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CIVIL SERVICE
COMMISSION

CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

9 IN THE MATTER OF THE)
10 DISCHARGE OF CAREN MANDOYAN,)

11 Petitioner,

12 v.

13 COUNTY OF LOS ANGELES)
14 SHERIFF'S DEPARTMENT,)

15 Respondent.)

CASE NO.: 16-276

CAREN MANDOYAN'S REQUEST
FOR A READING OF THE ENTIRE
RECORD OF THE HEARING BY
THE CIVIL SERVICE COMMISSION
PURSUANT TO CIVIL SERVICE
RULE 4.13.

DATES: July 24, 25, 26, 2017 and
September 27, 29, 2017

Hearing Officer Joseph Scully


19 TO: THE COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION,
20 HEARING OFFICER JOSEPH SCULLY, AND THE RESPONDENT LOS
21 ANGELES COUNTY SHERIFF'S DEPARTMENT AND THEIR
22 REPRESENTATIVE OF RECORD:

23 Appellant Caren Mandoyan hereby requests that the pursuant to Rule 4.13 of
24 the Los Angeles County Civil Service Commission Rules, for a reading of the
25 entire record in this discharge matter (July 24, 25, 26, 2017, and September 27,
26 29, 2017) before the full Commission, in lieu of the proposed findings of fact,
27
28

1 conclusions of law, and recommendations as submitted by the Hearing Officer,
2 Joseph Scully, which was served by mail on January 17, 2018.
3 Or in the alternative, that the full Commission decline to accept the report
4 submitted by the Hearing Officer, Joseph Scully, at its January 31, 2018 meeting
5 and schedule a date for a Hearing De Novo.
6
7 The entire 5-day record of the proceedings fully exposed the utter lack of
8 truthfulness of former Deputy Sheriff [REDACTED] who not only manufactured
9 false criminal allegations against Caren Mandoyan then resigned days prior to
10 her cross-examination, but the extent of the manipulation of policy and abuse of
11 ethics by the Los Angeles County Sheriff's Department IAB in ignoring her
12 Felony crime of illegally recording a conversation, then compounded by the
13 LASD Representative threatening to violate California Penal Code Section 632 et
14 seq. during the Hearing by using that Illegal Felony recording compels a full
15 reading of the entire record in this case. Their open defiance to State Statutory
16 law alone provides the necessary background and context to illustrate the
17 wrongfulness of the terminating discipline imposed on Caren Mandoyan in this
18 matter.
19
20

21 DATED: January 26, 2018

22 Respectfully submitted,
23

24 
25 MICHAEL A. GOLDFEDER,
26 Attorney for Petitioner,
27 Caren Mandoyan
28

PROOF OF SERVICE C.C.P.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

I am employed in the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

400 Continental Boulevard, 6th Floor, El Segundo, CA 90245.

On January 26, 2018 I served the within document described as:

Appellant Carl Mandoyan's Request for a Reading of the Entire Hearing Record pursuant to Civil Service Rule 4.13

On interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Joseph Scully-Hearing Officer
c/o-Civil Service Commission

Hand Served

Civil Service Commission
Room 522 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, Ca. 90012

Hand Served

Christine Roam-
Los Angeles County Sheriff's Department
4900 S. Eastern Avenue, # 101
City of Commerce, Ca. 90040

US Mail

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on January 26, 2018 at Los Angeles, California.


Michael A. Goldfeder



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS: DENNIS F. HERNANDEZ • NAOMI NIGHTINGALE • STEVEN AFRIAT • JOHN DONNER • Z. GREG KAHWAJIAN
STEVE CHENG, INTERIM EXECUTIVE DIRECTOR

February 7, 2018

NOTICE OF PROPOSED DECISION

Subject of Hearing: *Petition of **CAREN MANDOYAN** for a hearing on her **discharge**, effective September 14, 2016, from the position of Deputy Sheriff, Sheriff's Department, Case No. 16-276.*

The Civil Service Commission, at its meeting of January 31, 2018, announced as its proposed decision of the Commission to accept the findings and recommendation of the Hearing Officer, Joseph Scully, to sustain the Department. Commissioner Donner was absent.

The Hearing Officer's report has previously been sent to all parties. Civil Service Rule 4.13 (copy attached) provides that parties shall have ten (10) business days after mailing to file objections. In accordance with Section 1013 of the California Code of Civil Procedure, the Civil Service Commission has adopted a policy of extending the period for filing objections by five calendar days when service is made by mail.

Objections in this matter are due by 5:00 p.m., **February 27, 2018**. If objections are not received by this deadline, the decision shall be final and conclusive at 5:01 p.m.

If objections are filed with the Commission within the time specified above, and the Commission believes that the objections or parts thereof have validity, then the Commission shall amend the report or take further action as it deems appropriate. A copy of the objections must also be served on the opposing party.

In the event no objections are filed, anyone desiring to seek review of this decision by the Superior Court must do so under Section 1085 or Section 1094.6 of the Code of Civil Procedure, as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Steve Cheng
Interim Executive Director

Enclosure

c: Caren Mandoyan
Michael Goldfeder
Christine Roam



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS: DENNIS F. HERNANDEZ • NAOMI NIGHTINGALE • STEVEN AFRIAT • JOHN DONNER • Z. GREG KAHWAJIAN
STEVE CHENG, INTERIM EXECUTIVE DIRECTOR

January 16, 2018

NOTICE OF CIVIL SERVICE COMMISSION

AGENDA ITEM

SUBJECT: **CAREN MANDOYAN (16-276) – PROPOSED DECISION TO BE RENDERED**

Notice is hereby given that the Los Angeles County Civil Service Commission ("Commission") will consider the above referenced matter at its regular meeting on Wednesday, **January 31, 2018**. You or your representative are welcome to attend the meeting, but your presence is not mandatory.

Commission Meetings are held in Room 522 in the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, beginning at 10:00 a.m.

A handwritten signature in black ink, appearing to read "Steve Cheng", is positioned above the printed name.

Steve Cheng
Interim Executive Director

Enclosure

c: Caren Mandoyan
Michael Goldfeder
Christine Roam

LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

In the Matter of)	
)	Case No. 16-276
CAREN MANDOYAN,)	
)	REPORT ON SUBMITTED MATTER
Petitioner)	
v.)	
)	
SHERIFF'S DEPARTMENT)	
)	
Respondent.)	

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CIVIL SERVICE COMMISSION
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APPEARANCES

For the Appellant: Michael A. Goldfeder, Esq.
400 Continental Boulevard, 6th Floor
El Segundo, California 90246

For the Respondent: Christine Roam
Sheriff's Department Advocacy Unit
4900 South Eastern Avenue, Suite 101
Commerce, California 90040

Hearing Officer: Joseph P. Scully

Dates of Hearing: 7/24/17, 7/25/17, 7/26/17, 9/27/17, 9/29/17

ISSUES

On December 14, 2016, the Commission defined the issues in the Caren Mandoyan appeal to be:

1. Are the allegations contained in the department's letter of September 15, 2016 true?
2. If any or all are true, is the discipline appropriate?

DEPARTMENT'S EXHIBITS

1. Disposition Worksheet
2. Letter of Intent to Discipline
3. Letter of Imposition of Discipline
4. IAB Investigation
5. El Segundo Police Dept. Interview of [REDACTED]
6. El Segundo Police Report
7. IAB Interview of [REDACTED]
8. IAB Interview of Deputy [REDACTED]
9. IAB Interview of Sgt. [REDACTED]
10. IAB Interview of Deputy [REDACTED]
12. IAB Interview of Deputy [REDACTED]
13. IAB Interview of Detective Ryan Danowitz
14. IAB Interview of [REDACTED]
15. IAB Interview of [REDACTED]
16. IAB Interview of [REDACTED]
17. IAB Interview of Caren Mandoyan
19. IAB Interview of [REDACTED] exhibits and photos
20. June 3, 2015 text to Sgt. [REDACTED]
21. Restraining Order documents
22. Mandoyan/[REDACTED] Facebook messages May 22, 2015
23. Guidelines for Discipline
24. Penal Code Sections 273.5, 594, 602 and 459
25. IAB Investigation Addendum
27. [REDACTED] emails of digital and voice recordings
29. DVD of video and audio recordings.
31. IAB Interview of Lt. [REDACTED]
32. IAB Interview Lt. [REDACTED]

APPELLANT'S EXHIBITS

50. Telephone records of Caren Mandoyan
51. El Segundo Police Department Property Report
52. Photos of [REDACTED] residence
53. Emails of crime reports written by Caren Mandoyan
54. Policy of Equity Report/Notification Form
55. [REDACTED] text messages
56. [REDACTED] text messages

- 57. [REDACTED] text messages
- 58. Caren Mandoyan telephone records
- 59. In-service, PM Shift, West Hollywood, 6/3/2015
- 60. Pages from DV Protective Order application.
- 61. June 3, 2015 memo by Caren Mandoyan re telephone call

CASE SUMMARY

This matter involves the appeal of a termination by Deputy Caren Mandoyan. The hearing dates on this matter were 7/24/17, 7/25/17, 7/26/17, 9/27/17, 9/29/17. The Department called nine witnesses: Lt.

[REDACTED] Sgt. [REDACTED]
Lt. [REDACTED] Assistant Sheriff [REDACTED] Deputy [REDACTED]
[REDACTED] and Deputy [REDACTED] Appellant called four
witnesses: Lt. La [REDACTED] Deputy [REDACTED] Deputy [REDACTED]
[REDACTED] and Lt. [REDACTED]

The Department offered Exhibits 1-17, 19-25, 27, 29, 31, and 32, and all were accepted. The Department identified but then withdrew Exhibits 18, 26, 28 and 30. Appellant offered Exhibits 50-61 which were accepted.

Deputy Caren Mandoyan (hereafter "Appellant") was discharged from the Sheriff's Department, effective on September 15, 2016. The Department alleges that Appellant was in a dating relationship with another Department employee, Deputy [REDACTED] and within that relationship, Appellant engaged in domestic violence, attempted to break in to Deputy [REDACTED] residence, engaged in stalking and sending inappropriate text messages to Deputy [REDACTED] and he also was untruthful during his administrative investigation interview. Appellant denies all accusations of misconduct.

**I. ARE THE ALLEGATIONS CONTAINED IN THE
DEPARTMENT'S LETTER OF SEPTEMBER 15, 2016
TRUE?**

A. The Allegations of Wrongdoing.

The Department alleges four separate charges of wrongdoing:

Charge 1: Alleges that on or about September 1, 2014, Appellant did one or all of the following acts: pushed or grabbed Deputy [REDACTED] by her arm; placed his hand around Deputy [REDACTED] neck and squeezing it, restricting her ability to breath; used his foot to stop Deputy [REDACTED] from closing her door as she retreated from his assault; damaging the door to Deputy [REDACTED] residence; using Deputy [REDACTED] home surveillance camera system without her permission or knowledge to observe her activities while she was in her home; following Deputy [REDACTED] without her knowledge as she was accompanied to an eating establishment by another man; and listening to Deputy [REDACTED] as she engaged in sexual intercourse with another man.

Charge 2: Alleges that between March 2013 and July 2015, while off duty and in a personal relationship with Deputy [REDACTED] Appellant did one or all of the following acts: generating or sending unwanted text messages to Deputy [REDACTED] making unwanted calls to Deputy [REDACTED] arriving at Deputy [REDACTED] residence, and entering her patio balcony area and repeatedly knocking on her sliding glass door; being captured on video attempting to gain entry into Deputy [REDACTED] residence through the balcony sliding glass door; using a tool to pry Deputy [REDACTED] sliding glass door off its tracks; attempting to gain entry into Deputy [REDACTED] residence even after Deputy [REDACTED] told him to go away; opening Deputy [REDACTED] bathroom window from the outside the residence without her permission;

and attempting to enter Deputy [REDACTED] residence through the bathroom window without her permission.

Charge 3: Alleges that on or about July 14, 2015, Appellant did one or more of the following acts: was named as a domestic violence/stalking suspect in an El Segundo Police Department Crime Report; having a domestic violence restraining order filed against him in the Chatsworth Courthouse; failing to immediately notify his immediate supervisor and/or watch commander that he was served and named in a domestic violence restraining order.

Charge 4: Alleges that on or about July 14, 2016, Appellant failed to make truthful statements in an administrative interview by one or more of the following alleged untrue statements: denying that he attempted to enter Deputy [REDACTED] residence by way of her sliding glass door; denying that he attempted to enter into Deputy [REDACTED] residence through her bathroom window; stating that he used a tool/object/pulley handle only to knock on the door and get Deputy [REDACTED] attention for the purpose of retrieving his backpack and key; stating that he opened and/or entered Deputy [REDACTED] bathroom window for the purpose of apologizing.

B. The Department Proved by the Preponderance of Evidence that Some of the Allegations in the September 15, 2016 Letter are True.

1. Appellant Did Not Testify at the Hearing.

This was a hearing in which a great deal of passionate argument was heard from both sides. Most if not all the allegations of wrongdoing occurred only in the presence of two individuals, Deputy [REDACTED] and Appellant. While Deputy [REDACTED] testified at the hearing, Appellant did not.

The Department argues that the Hearing Officer should adopt a negative inference of consciousness of guilt due to Appellant's decision not to testify at the hearing. Appellant did not address that issue of a negative inference in his closing brief.

The Hearing Officer reviewed the case authorities the Department cited to support its argument, but finds those authorities do not resolve the issue. Rule 4.11 of the Civil Service Rules provides that "the petitioning employee [in a discharge case] shall not be required to testify." Adopting a negative inference of "consciousness of guilt" would impose in essence an evidentiary punishment on Appellant for merely taking advantage of his rights under the Civil Service Rules. The Hearing Officer feels this would be unfair to Appellant. Had the Commission wanted to punish an appellant for exercising the right not to testify at the hearing, it could have done so by including such a provision within Rule 4.11. The absence of such a provision is consistent with an interpretation which does not allow a negative inference to be adopted from Appellant's decision not to testify at the hearing.

As a peace officer, Appellant was required to submit to an administrative interview. In order to protect Appellant's right not to give evidence against himself in the Civil Service Hearing, the Hearing Officer will use the transcript of Appellant's Internal Affairs Bureau ("IAB") interview, admitted as Exhibit 17, for the limited evidentiary purpose of evaluating the Department's allegations in Charge 4 that Appellant made false statements in his IAB interview. Aside from that limited use, the transcript will not be used as evidence of Appellant's response to the charges against him.

**2. The Most Persuasive Evidence at the
Hearing was the Digital Recordings of
Appellant Attempting to Break in to Deputy
[REDACTED] Residence.**

The Department's Exhibit 29 was a DVD containing digital recordings. The Hearing Officer looked at and listened to the recordings very closely, and found those recordings to be the most persuasive evidence offered at the Hearing.

The files on the DVD include digital files numbered 0700, 0702, 0703, 0777, 0778, 0779, 0780, 0781 and 0783.

File 0700: The view is from the inside of Deputy [REDACTED] residence, with the blinds on the sliding patio glass door closed, and there are heavy metallic sounds coming from the door. There is no knocking, and no speaking, but Appellant can be seen standing outside the door.

File 0702: Shows Appellant outside Deputy [REDACTED] sliding patio glass door, and Appellant does not notice that he is being recorded. He approaches the door and squats down and for 9 seconds he attempts to wedge a metallic device beneath and at the side of the sliding glass door. His attention is focused on the device in his hands, and using it on the sliding glass door. When he notices he is being recorded, he shows surprise and immediately stands up and they have this conversation:

Appellant: "Oh, really?"

Deputy [REDACTED] Yea.

Appellant: Go ahead.

Deputy [REDACTED] I'm going to.

Appellant: Go ahead.

File 0703: Again recorded from inside Deputy [REDACTED] residence, shows the inside view of the closed blinds of the sliding glass patio door. There are three loud sounds suggesting something coming into contact with the door frame. These do not appear to be a person knocking to get attention at the door. Deputy [REDACTED] opens the blinds and Appellant is outside the window with a long wooden rod in his hands. The following conversation takes place:

Deputy [REDACTED] Stop!

Appellant: What are you doing?

Deputy [REDACTED] What do you think I'm doing.

Appellant: Filming?

Deputy [REDACTED] Yea, I am. Stop trying to break into my house.

Appellant: Oh, okay. [pulls his phone from his pocket.]

Deputy [REDACTED] Okay, film me filming you.

Deputy [REDACTED] testified at the hearing that the digital recordings showed Appellant trying to break into her residence. Assistant Sheriff [REDACTED] testified that within law enforcement and crime prevention professionals, it is well known that a significant vulnerability of sliding glass doors is that they are easily broken into. That is, a pry tool can be used to lift the door out of its track and once removed from the track, to gain entry. According to Assistant Sheriff [REDACTED] that was what Appellant was doing in the digital recordings.

Based on the weight of the evidence, which includes Deputy [REDACTED] testimony, Assistant Sheriff [REDACTED] testimony, and the recordings themselves, the Hearing Officer finds that the Department's allegation that Appellant attempted to break into Deputy [REDACTED] residence is true.

Appellant was clearly using a metallic tool he found on Deputy [REDACTED] patio and trying to wedge it around and under the sliding glass door. He only stopped when he noticed Deputy [REDACTED] inside recording him.

Files 0777 and 0778: These recordings are dark and there are sounds but it is not clear on the recording what exactly is making the sounds. The recordings are only a few seconds long. The sounds are consistent with a pry tool being wedged under the door frame as shown in Files 0702 and 0703.

File 0779: This recording is dark, like 0777 and 0778, but Deputy [REDACTED] says two times "you need to leave." The male voice, Appellant, only says "[REDACTED]"

File 0780: The digital recording is from the inside of Deputy [REDACTED] residence, showing portions of the stove and refrigerator. It appears to be night as there is very little light. There is a conversation but only Deputy [REDACTED] words are intelligible. Appellant is speaking but the recording cannot pick up what he is saying. The conversation is as follows:

Deputy [REDACTED] You're going to leave now.

Appellant: [Unintelligible.]

Deputy [REDACTED] Nope.

Appellant: [Unintelligible.]

Deputy [REDACTED] No.

Appellant: [Unintelligible.]

Deputy [REDACTED] Caren. Leave.

Appellant: [Unintelligible.]

Deputy [REDACTED] I don't give a shit, you're doing something stupid. I'm not dealing with you, goodbye.

Appellant: [Unintelligible.]

Deputy [REDACTED] No.
Appellant: [Unintelligible.]
Deputy [REDACTED] No.
Appellant: [Unintelligible.]
Deputy [REDACTED] Go home.
Appellant: [Unintelligible.]
Deputy [REDACTED] Nope.
Appellant: [Unintelligible.]
Deputy [REDACTED] I'm tired of hearing your explanations, get out of my – get
get away from my door.
Appellant: [Unintelligible.]
Deputy [REDACTED] Get away from my door.
Appellant: [Unintelligible.]
Deputy [REDACTED] Go home.
Appellant: [Unintelligible.]
Deputy [REDACTED] No.
Appellant: [Unintelligible.]
Deputy [REDACTED] No.
Appellant: [Unintelligible.]
Deputy [REDACTED] Caren, leave.
Appellant: [Unintelligible.]
Deputy [REDACTED] No.
Appellant: [Unintelligible.]
Deputy [REDACTED] Goodbye.
Appellant: [Unintelligible.]
Deputy [REDACTED] No.
Appellant: [Unintelligible.]

Deputy [REDACTED] You're going to leave now. I'm going to bed, goodbye.

Appellant: [Unintelligible.]

Deputy [REDACTED] I'm going to bed, goodbye.

File 0781: The recording is dark, but there is a conversation that is recorded:

Deputy [REDACTED] Here he is, opening my bathroom door, my bathroom window, trying to get in. Get the fuck out of my house, get the fuck out, Caren!

Appellant: Come outside.

Deputy [REDACTED] Get the fuck out! [loud noises, which according to Deputy [REDACTED] are the shampoo bottles being thrown at her from the window.]

Get out!

Deputy [REDACTED] Stop. Dude, get out of my house. I'm calling the cops.

Appellant: Come outside.

File 0783: This recording is also very dark, but there is a conversation. The conversation shows that Appellant's voice is very close to the recording device, which is Deputy [REDACTED] mobile phone which she was holding in her hand while standing in the bathroom of her apartment. This support's Deputy [REDACTED] claims that Appellant had inserted his head and upper body through her bathroom window.

Appellant: Well what do you, where do you...

Deputy [REDACTED] Move Caren ...

Appellant: That's all I ask...

Deputy [REDACTED] ... get out of my window.

Appellant: All I ask was where do you where do you intend on

finding this person?

Deputy [REDACTED] Goodbye.

Appellant: That's all I ask.

Deputy [REDACTED] Get out, it's not any of your business, get out.

Appellant: Okay but I'm just asking, that's all I ask.

Deputy [REDACTED] Close my window. Get out.

Appellant: Alright. That's all I asked.

Deputy [REDACTED] I don't care what you asked.

Appellant: That's all I asked.

Deputy [REDACTED] That doesn't give you the right to break into my house.
[sound of window closing] [whispers] Fucking asshole.

According to Deputy [REDACTED] testimony at the hearing, the digital files 0781 and 0783 were recorded in the early morning of January 26, 2015. Deputy [REDACTED] testified that she had been working on January 26, 2015, and that Appellant had showed up uninvited to her workplace. When she saw him she became anxious and fearful so she left work about 30 minutes before the end of her shift. She left without checking out or telling anyone she was leaving. She testified that on the way home, at approximately 3:18 a.m., Appellant called her and they had a 26 minute conversation in which she told him repeatedly that their relationship was over. After she arrived home, she heard Appellant attempting to gain entry to her apartment through the bathroom window. The bathroom window was unlocked and was easily accessible from the outdoor patio. Deputy [REDACTED] confronted Appellant in her bathroom and recorded their conversation.

Deputy [REDACTED] testimony is supported by Exhibit 58, a telephone record from Appellant, which shows he had a 26 minute conversation with Deputy [REDACTED] on January 26, 2015 starting at 3:18 a.m. The call is listed as a 26 minute call, which means it ended at 3:44 a.m. According to the telephone record, starting at 3:44 a.m., Appellant called Deputy [REDACTED] 22 times in a row, from 3:44 a.m. until 4:08 a.m., until apparently she finally picked up on the 23rd call at 4:08 a.m. and they spoke for 2 minutes. After that call, there was another 4 minute call at 4:13 a.m. This call pattern demonstrates the obsessive nature of Appellant's conduct towards Deputy [REDACTED]

Deputy [REDACTED] testimony is also supported by the two digital recordings. The recordings demonstrate that Appellant's voice was extremely close to the recording device, meaning that his head was inside her bathroom when he was speaking. Deputy [REDACTED] alarm and fear is evident from her tone of voice. The sound of the multiple shampoo bottles crashing to the floor is also apparent. And, Appellant's repeated question of asking "where do you intend on finding this person" and her response "that's none of your business" also shows that he was asking her about where she would find a man in her life to replace him.

Overall, the evidence supports the Department's charge that Appellant was stalking Deputy [REDACTED] and had broken into her residence. He refused to accept the fact that the relationship was over. He was told by Deputy [REDACTED] during a 26 minute conversation that the relationship was over and she asked him to leave her alone. His response was to place 24 calls to her in as many minutes, and then to follow her home at around 4:00 a.m. and break into her bathroom window.

The digital recording shows Appellant breaking into his former girlfriend's residence at around 4:00 a.m. and demanding to know where she was going to find the man that would replace him. All the while Deputy [REDACTED] is showing fear and alarm as she demands that he "Close my window. Get out." That is stalking behavior.

3. The Evidence Supports a Finding that Deputy [REDACTED] Testified Credibly.

Appellant's closing argument focused on attacking and discrediting the testimony of Deputy [REDACTED]. There was much evidence at the Hearing which suggested caution when evaluating Deputy [REDACTED] credibility.

Specifically, as noted by Assistant Sheriff [REDACTED], Deputy [REDACTED] was a marginal employee. Assistant Sheriff's [REDACTED] assessment was based on the totality of Deputy [REDACTED] 11 year record within the Department. Two of Deputy [REDACTED] former supervisors, Lt. [REDACTED] and Lt. [REDACTED] testified at the hearing that Deputy [REDACTED] was an unreliable, unprofessional, below average deputy. Both those witnesses testified that in their view, based on their personal experience in observing and interacting with her, that Deputy [REDACTED] lacked integrity and lacked credibility.

Despite her admitted record of poor performance and questionable personal character, the Hearing Officer found that Deputy [REDACTED] testimony at the Hearing was credible. This is based on several factors, including the following: as noted above, the digital recordings strongly corroborate Deputy [REDACTED] testimony. The recordings show that her testimony in describing the events was accurate. The recordings show that she was being stalked by Appellant and he did attempt to break into her residence, multiple times.

The Hearing Officer also believes Deputy [REDACTED] demeanor and attitude towards the giving of testimony were consistent with a finding of credibility. She was a reluctant witness. She repeatedly noted the fact that she did not want to get Appellant in trouble, and she did not report his misconduct to the Department because she did not want to "open Pandora's box."

According to Deputy [REDACTED] her relationship with Appellant ended on or about December 27, 2014. In January 2015, she changed cell phones, changing the phone, the carrier and the contact number. After that, she testified that she received 40-50 harassing text messages on her new phone which were sent to her anonymously. Those text messages contained language intended to ridicule and humiliate Deputy [REDACTED]. Apparently the final straw for Deputy [REDACTED] was when Sgt. [REDACTED] [REDACTED] who was the wife of her partner (Deputy [REDACTED]) received an anonymous text telling her that her husband ([REDACTED]) and another deputy were having group sex with Deputy [REDACTED] and that Deputy [REDACTED] had a sexually transmitted disease. After that text was sent, Deputy [REDACTED] invited Appellant to her residence on June 21, 2015, and confronted him about the text messages. Appellant denied any responsibility for the anonymous text messages.

During that June 21, 2015 conversation, Appellant asked Deputy [REDACTED] about her recent purchase of condoms on Amazon, and also accused her of having sex with a Mexican man. He told her 6 times "I have eyes and ears everywhere."

The June 21, 2015 conversation was the final straw for Deputy [REDACTED]. She did not believe the denials about the text messages. She testified that there was no one in her life other than Appellant who cared enough to send her 40-50 text messages over a six month period. She was angry that a text

message was directed at her partner and partner's wife. She was also angry that Appellant was stalking her Amazon purchases and her sexual partners. So on June 23, 2015, Deputy [REDACTED] made a complaint to her Watch Commander, Lt. Wiard. Because she complained about Appellant breaking into her residence, she was advised to make a crime report. Deputy [REDACTED] went to the El Segundo Police Department and made the crime report. She also went to the Chatsworth Courthouse and submitted an application for a Temporary Restraining Order. That order was granted and served on Appellant. By July 10, 2015 Appellant was relieved of duty.

Deputy [REDACTED] also testified credibly about an incident of domestic violence which occurred sometime in September, 2014. The incident occurred after an evening out between Deputy [REDACTED] Appellant and Deputy [REDACTED] childhood friend, [REDACTED] [REDACTED]. After they left the Rock n' Brews restaurant, they walked to Deputy [REDACTED] home. Ms. [REDACTED] then left.

According to Deputy [REDACTED] Appellant took her cell phone, something he did often in order to inspect it and delete content that he did not like. Deputy [REDACTED] tried to get her phone back and the two of them got into a physical altercation which included Appellant grabbing Deputy [REDACTED] by the throat and squeezing. Deputy [REDACTED] ran to her bedroom to escape, but Appellant followed and used his foot to prevent her from closing her bedroom door, causing damage to the door. Deputy [REDACTED] took photos of her injuries, but she did not report them to anyone. She testified that after the incident, Appellant was extremely apologetic and begged her to forgive him.

Despite the delay of some 10 months in reporting this incident, the Hearing Officer finds Deputy [REDACTED] testimony on this event to be

credible. Appellant argues that two experienced Deputy District Attorneys rejected charges on this incident, and argues that the rejection was based on a finding that Deputy [REDACTED] lacks credibility. However, the decision not to file charges could be based on a whole range of considerations, including the 10 month delay in reporting the domestic violence, and the lack of independent corroboration (such as police officers on the scene observing the evidence, bruising, etc.). Also, crimes must be proven by a much higher evidentiary standard than the "preponderance of the evidence" standard used before the Commission. Overall, the District Attorney's decision not to file charges on the September 2014 domestic violence incident does not mean the incident did not occur. The Hearing Officer finds that Appellant's testimony about the incident of domestic violence in September 2014 is credible, and the rejection of charges by the District Attorney does not lessen that credibility.

**4. The Evidence Supports a Finding Appellant
Made False Statements in his IAB Interview.**

The Department alleges four specific incidents of making false statements in Appellant's IAB interview. Those false statements: 1) denying that he attempted to break into Deputy [REDACTED] residence by way of the sliding glass door; 2) denying that he attempted to break into Deputy [REDACTED] residence through the bathroom window; 3) stating that he used a tool/object/pulley handle only to knock on the door to gain her attention to retrieve his backpack and keys; and 4) stating that he opened Deputy [REDACTED] bathroom window only to apologize to her.

The evidence supports the charge that the foregoing statements made during the IAB interview were untrue. File 0702 shows Appellant intently focused on using the metallic tool to find a location to insert the tool and

use it as a lever. He is crouched down working for 9 full seconds at the base of the sliding glass door, where he would need to be to lever the door out of its track. He is not knocking on the door, and is not looking inside to try and attract Deputy [REDACTED] attention. He is startled when he notices her recording him, and he immediately arises and steps back from the door. He said nothing about needing to get in to retrieve his backpack. Altogether, the digital recording shows that his statements 1) and 3), above, were untrue.

Files 0781 and 0783 also show that the statements 2) and 4) above, were untrue. The recordings show that Appellant had broken into the unlocked bathroom window. While hanging in the window, he asked Deputy [REDACTED] repeatedly about where she would find the person to replace him. He did not apologize to her. His IAB statement about apologizing lacks credibility. If he only wanted to apologize, why not do it on the phone, or by text, or at the front door? If not for the purpose of breaking in, why go to the unlocked bathroom window in the first place? In any event, there are two separate digital recordings of his conversation with Deputy [REDACTED]. The first recording starts when he first entered the bathroom window, and the second recording ends after he exited and closed the window. On both recordings there was not a single word of apology spoken by Appellant. In short, the digital recordings are totally unsupportive of Appellant's version of events. Overall, the evidence supports the Department's allegation of making untrue statements in his IAB interview.

II. IS THE PENALTY OF TERMINATION APPROPRIATE?

A. General considerations.

The overriding consideration in cases of discipline of a public employee is the extent to which the employee's conduct resulted in, or if repeated is likely to result in, harm to the public service. Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence. The public is entitled to protection from unprofessional employees whose conduct places people at risk of injury and the government at risk of incurring liability.

B. Analysis.

According to several witnesses who testified at the hearing, Appellant was a valuable member of the Department and had a very good reputation. He was well-liked and respected by peers and supervisors. He was an experienced and valued training officer. Even Assistant Sheriff [REDACTED] testified that Appellant had enjoyed an excellent reputation on the Department.

Notwithstanding his good reputation, however, in acting as he did, Appellant demonstrated multiple deficiencies which render him unfit for further service as a deputy. He was not honest or truthful in his IAB interview which suggests that his reputation for integrity is unwarranted. His lack of honesty alone calls into question his fitness for future service.

Appellant also showed poor judgment, and lack of self control in his relationship with Deputy [REDACTED]. He became so obsessed by his feelings about Deputy [REDACTED] that he completely lost sight of his good judgment and common sense. This led him to engage in criminal conduct such as stalking, multiple attempts to break in to her apartment, and the incident of domestic violence.

Aside from his good reputation and past record of commendable job performance, there is very little evidence in the record to mitigate the penalty of termination. Appellant's acts of misconduct are extremely serious. They also reflect poorly upon the Department. They were reckless and highly dangerous. Breaking in to the home of an armed deputy at night could easily result in a homicide, a fact which Assistant Sheriff [REDACTED] noted with great concern.

Overall Appellant's conduct was completely at odds with what the Department has a right to expect from its deputies. Therefore, for all the foregoing reasons, the penalty of termination is appropriate.

FINDINGS OF FACT

1. Deputy Caren Mandoyan ("Appellant") met Deputy [REDACTED] in 2012 at West Hollywood Station, where Appellant was assigned as Deputy [REDACTED] training officer. Soon after Deputy [REDACTED] completed her training with Appellant, she and Appellant began a dating relationship. Appellant and Deputy [REDACTED] were in a dating relationship from December 2012 until December 2014.

2. In approximately April 2014, Deputy [REDACTED] moved her residence from Norco to El Segundo, California. In El Segundo, she moved into a second floor apartment. At that time, Appellant also lived in El Segundo.

3. Soon after moving in to her apartment, Deputy [REDACTED] installed a video camera in her apartment. She purchased the camera and asked Appellant to install it. The camera was connected to the internet and could be accessed through an application on a mobile device. Deputy [REDACTED] gave Appellant the access codes so that he was able to gain live access to the camera. Although Deputy [REDACTED] may not have always been aware of Appellant accessing the live camera in her home, since she willingly gave Appellant the access codes she effectively consented to his access of the camera.

4. In or about September, 2014, an incident began with Appellant, Deputy [REDACTED] and Deputy [REDACTED] friend [REDACTED] [REDACTED] meeting at Rock n' Brews in El Segundo where they had a few drinks together. After consuming a few drinks, they walked to Deputy [REDACTED] apartment, and Ms. [REDACTED] left. An altercation developed.

5. The September, 2014 altercation started when Appellant seized Deputy [REDACTED] mobile phone, and she tried to get it back. In the altercation, he grabbed Deputy [REDACTED] by the arm; he ripped her pants; and he seized her throat and squeezed it. He also told her "Look at what

you made me do!" She ran into the bedroom and he chased her, using his foot to prevent the door from closing, causing damage to the door. Deputy [REDACTED] did not report the domestic violent incident to police until July, 2015.

6. In or about late December 2014, Deputy [REDACTED] digitally recorded Appellant attempting to break into her apartment by using a metallic device as a lever to lift the sliding glass door out of its track. There is also a recording of Appellant using a wooden rod for the same purpose of attempting to break in to the apartment through the sliding glass door.

7. In a separate incident, with a date uncertain but probably late 2014 or early 2015, Appellant again tried to break into Deputy [REDACTED] apartment through the sliding glass door. Deputy [REDACTED] recorded a long conversation with Appellant in which she repeatedly told him to leave and he failed to leave. This incident happened at night while the incident in #6 above occurred during daylight hours.

8. On or about January 26, 2015, Deputy [REDACTED] and Appellant had stopped dating. At approximately 3:00 a.m. Appellant appeared at Deputy [REDACTED] workplace, intending to pressure her to continue their

relationship. Deputy [REDACTED] was distressed by seeing Appellant, so she left work 30 minutes early without checking out with her supervisor. Appellant followed her home and called her and spoke with her for 26 minutes. During that conversation, Deputy [REDACTED] told Appellant that the relationship was over and she did not want to date him any longer.

9. On January 26, 2015, at approximately between 4:00 a.m. and 5:00 a.m., after he had followed her home from work, Appellant broke in to the unlocked bathroom window at Deputy [REDACTED] apartment. Appellant stood with his entire upper body through the window and also pushed away the shampoo bottles on the ledge towards Deputy [REDACTED]. He told her he wanted to know "where do you intend on finding this person?" The reference was to another potential romantic partner for Deputy [REDACTED].

10. After Deputy [REDACTED] and Appellant ended their dating relationship in or about December 2014, Deputy [REDACTED] purchased a new mobile phone from a new carrier with a new number. Despite that change, she received 40-50 annoying and harassing anonymous text messages over the course of January - June, 2015. The circumstantial evidence strongly points to Appellant as the source of the messages. However, the Department's decision maker, Assistant Sheriff [REDACTED] testified

that he did not consider that the allegations of sending the unwanted text messages had been sufficiently linked to Appellant. In effect, the decision maker viewed those allegations against Appellant as unfounded. Although the allegations remain in the termination letter, they are deemed to be withdrawn and/or unfounded.

10. The Department alleges that Appellant made unwanted phone calls to Appellant. The evidence at the hearing shows that the relationship between Deputy [REDACTED] and Appellant was dysfunctional. However, the evidence at the hearing did not demonstrate specific unwanted phone calls.

11. The Department alleges that Appellant listened to Deputy [REDACTED] while she was engaging in sexual intercourse with another man. Although the Department did not present evidence of when this occurred, or identify the man, Deputy [REDACTED] testified that when she met with Appellant on June 21, 2015, he taunted her with the fact that he knew she had sexual intercourse with a man. Therefore based on this admission from Appellant, the allegation is sufficiently proven.

12. In or about April 2014, at Deputy [REDACTED] request, Appellant installed a surveillance camera inside Deputy [REDACTED] residence. The

camera was connected to the internet, and a live camera feed was available through an application installed on a mobile device. Deputy [REDACTED] provided Appellant with the log on information including password, and therefore she consented to his access of the camera. There was no evidence that she expressly revoked Appellant's access.

13. On or about July 14, 2015, Deputy [REDACTED] made a crime report to the El Segundo Police Department wherein she named Appellant as a domestic violence/stalking subject.

14. On July 14, 2015, a Domestic Violence Restraining Order was entered by the Los Angeles Superior Court, in case number [REDACTED] against Appellant. The court where the order was entered was the Chatsworth Courthouse.

15. There was no evidence at the hearing that after Appellant was served with the domestic violence restraining order, that he complied with Departmental requirements to immediately notify his immediate supervisor and/or watch commander that he had been served. He did immediately turn in his firearms to the El Segundo Police Department.

16. On July 14, 2016, Appellant was interviewed by the Internal Affairs Bureau. During that interview, he made the following statements: 1) he denied that he had ever attempted to break in to the sliding glass door at Deputy [REDACTED] residence; 2) he denied that he attempted to break into Deputy [REDACTED] residence through her bathroom window; 3) he stated that he used a pulley handle only to knock on the door to get Deputy [REDACTED] attention to retrieve his backpack and keys; and 4) he opened Deputy [REDACTED] bathroom window only to apologize to her.

17. The foregoing statements made in his July 14, 2016 IAB interview were untrue and inaccurate. There true facts were 1) Appellant had made at least two separate attempts to break into Deputy [REDACTED] residence through the sliding glass door, both captured in part on digital recording; 2) Appellant did break into the window of Deputy [REDACTED] bathroom, and inserted his head and arms through the window and carried on a conversation with Deputy [REDACTED] 3) Appellant did squat down at the base of the sliding glass door and for 9 seconds attempted to insert a metallic pulley handle into the door to use it as a lever to pry the door off its track, all as captured on digital recording; and 4) the digital recording from the bathroom in the early morning of January 26, 2015 does not evidence any apology, but in any event an intent to apologize does not excuse an

unlawful breaking and entering.

CONCLUSIONS OF LAW

1. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. In acting as set forth above, Appellant violated the Department's Manual, Sections 3-01/040.69, Honesty Policy; and 3-01/040.70, Dishonesty/False Statements; and 3-01/040.75, Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigation. Appellant violated the foregoing provisions of the Manual on July 14, 2016 when he made false statements during his IAB interview, as set forth above.

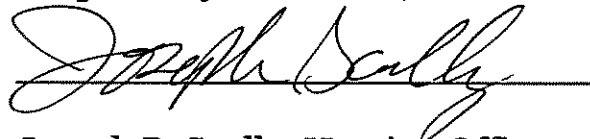
5. The acts of misconduct which Appellant engaged in are serious. The range of discipline for all of the proven violations of the Manual include termination of employment. Therefore, termination of Appellant's employment is an appropriate discipline.

RECOMMENDATION TO COMMISSION

I recommend that the Commission uphold the Department's termination of Appellant Caren Mandoyan's employment as deputy sheriff.

Dated: January 4, 2018

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Joseph P. Scully", written over a horizontal line.

Joseph P. Scully, Hearing Officer

1 Michael A. Goldfeder, SBN 162381
2 Attorney at Law
3 400 Continental Boulevard, 6th Floor
4 El Segundo, CA. 90245
5 (310) 374-7011

6 Attorney for Petitioner,
7 Caren Mandoyan

8 CIVIL SERVICE COMMISSION

9 COUNTY OF LOS ANGELES

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LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

DEC 07 2017

10 IN THE MATTER OF THE)
11 DISCHARGE OF CAREN MANDOYAN,)

12 Petitioner,)

13 v.)

14 COUNTY OF LOS ANGELES)
15 SHERIFF'S DEPARTMENT,)

16 Respondent.)

CASE NO.: 16-276

CAREN MANDOYAN'S NOTICE TO
THE COMMISSION OF UNTIMELY
SERVICE OF RESPONDENT'S
CLOSING BRIEF AND REQUEST
TO STRIKE UNDER CSC RULE
4.09; MEMORANDUM OF POINTS
AND AUTHORITIES SUBMITTED;
DECLARATION OF MICHAEL A.
GOLDFEDER


Hearing Officer Joseph Scully

17 TO: The County of Los Angeles Civil Service Commission, Hearing Officer
18 Joseph Scully, Respondent and their Representative:

19 The Petitioner Caren Mandoyan hereby GIVES NOTICE that on November
20 27, 2017 there was no service of the Respondent's Closing argument as falsely
21 set forth in their brief dated that same day. Therefore, given that Civil Service
22 Service Commission Rule 4.09 has not been followed by the Respondent, their
23 closing argument brief should be stricken.

24 December 7, 2017

Respectfully submitted,

25 
26 MICHAEL A. GOLDFEDER,
27 Attorney for Petitioner, Caren Mandoyan

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MICHAEL A. GOLDFEDER,
Attorney for Petitioner, Caren Mandoyan

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DECLARATION OF MICHAEL A. GOLDFEDER

I, Michael A. Goldfeder, declare and state as follows:

1. I am over the age of 18 and Counsel of record for Petitioner Caren Mandoyan in the within action titled: In the Matter of the Discharge of Caren Mandoyan, Case No. 16-276, before the Los Angeles County Civil Service Commission.

2. Attached as **Exhibit A** is a true and correct copy of page-1 of the Respondent's Closing Brief.

3. Attached as **Exhibit B** is a true and correct copy of the envelope sent to my office address containing the Respondent's Closing Brief with a Pitney Bowes inked postage mark dated November 29, 2017.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 7th day of December, 2017 at El Segundo, California.

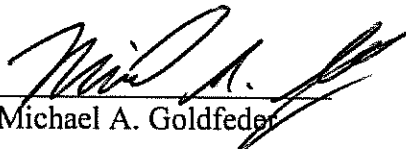

Michael A. Goldfeder

Exhibit A

1 CHRISTINE ROAM, Sergeant
2 Sheriff's Advocacy Unit
3 4900 South Eastern Avenue
4 Commerce, CA 90040
5 Telephone: (323) 890-5418
6 Facsimile: (323) 890-9797
7 Advocate for Respondent,
8 COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

9 BEFORE THE CIVIL SERVICE COMMISSION
10 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

11 In the matter of the DISCHARGE of
12 CAREN MANDOYAN,

Case No.: 16-276

13 **LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT'S CLOSING BRIEF**

14 vs. Appellant,
15 COUNTY OF LOS ANGELES SHERIFF'S
16 DEPARTMENT,


17 Respondent/Department.

Hearing Officer: Joseph Scully
Hearing Dates: July 24, 25, 26, and September
27 & 29, 2017

18 TO HEARING OFFICER JOSEPH SCULLY, APPELLANT, and HIS ATTORNEY
19 OF RECORD: Respondent, COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
20 (hereinafter "Respondent" or "the Department"), hereby files and serves its Closing Brief.

21 November 27, 2017

22 JIM McDONNELL,
23 SHERIFF

24 By: 
25 CHRISTINE ROAM
26 Sergeant

27 Advocate for Respondent,
28 COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

Exhibit B

PROOF OF PERSONAL SERVICE C.C.P.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

I am employed in the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

400 Continental Boulevard, 6th Floor, El Segundo, CA 90245.

On December 7, 2017 I personally served the within document described as:

Petitioner Carl Mandoyan's Notice to the Commission of Untimely Service and Request to Strike the Respondent's Closing Brief

On interested parties in this action addressed as follows:

Joseph Scully-Hearing Officer
c/o-Civil Service Commission

Hand Served

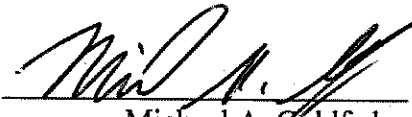
Civil Service Commission
Room 522 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, Ca. 90012

Hand Served

Christine Roam-
Los Angeles County Sheriff's Department
4900 S. Eastern Avenue, # 101
City of Commerce, Ca. 90040

Hand Served

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on December 7, 2017 at Los Angeles, California.


Michael A. Goldfeder

Advocacy Unit

4900 South Eastern Avenue, Suite 101
Commerce, CA 90040

Michael A. Goldfeder, Attorney at Law
400 Continental Blvd, 6th Floor
El Segundo, CA 90245

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LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

DEC 07 2017

Michael A. Goldfeder, SBN 162381
Attorney at Law
400 Continental Boulevard, 6th Floor
El Segundo, CA. 90245
(310) 374-7011

Attorney for Petitioner,
Caren Mandoyan

CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

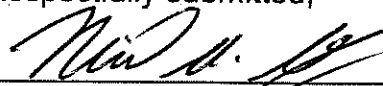
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)	CAREN MANDOYAN'S NOTICE TO
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)	SERVICE OF RESPONDENT'S
v.)	CLOSING BRIEF AND REQUEST
)	TO STRIKE UNDER CSC RULE
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SHERIFF'S DEPARTMENT,)	AND AUTHORITIES SUBMITTED;
)	DECLARATION OF MICHAEL A.
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)	
)	Hearing Officer Joseph Scully

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closing argument brief should be stricken.

December 7, 2017

Respectfully submitted,


MICHAEL A. GOLDFEDER,
Attorney for Petitioner, Caren Mandoyan

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Niall M. [Signature]

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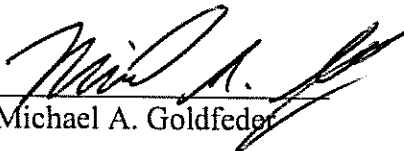

Michael A. Goldfeder

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7 Advocate for Respondent,
8 COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

9 BEFORE THE CIVIL SERVICE COMMISSION
10 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

11 In the matter of the DISCHARGE of
12 CAREN MANDOYAN,

Case No.: 16-276

13 **LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT'S CLOSING BRIEF**


14 Appellant,
15 vs.
16 COUNTY OF LOS ANGELES SHERIFF'S
DEPARTMENT,
17 Respondent/Department.

Hearing Officer: Joseph Scully
Hearing Dates: July 24, 25, 26, and September
27 & 29, 2017

18 TO HEARING OFFICER JOSEPH SCULLY, APPELLANT, and HIS ATTORNEY
19 OF RECORD: Respondent, COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
20 (hereinafter "Respondent" or "the Department"), hereby files and serves its Closing Brief.

21 November 27, 2017

JIM McDONNELL,
SHERIFF

22
23
24 By: 
25 CHRISTINE ROAM
26 Sergeant

27 Advocate for Respondent,
28 COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

Exhibit B

Advocacy Unit

4900 South Eastern Avenue, Suite 101
Commerce, CA 90040

Michael A. Goldfeder, Attorney at Law
400 Continental Blvd, 6th Floor
El Segundo, CA 90245

llh

PROOF OF PERSONAL SERVICE C.C.P.

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

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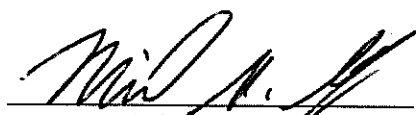
On interested parties in this action addressed as follows:

Joseph Scully-Hearing Officer
c/o-Civil Service Commission Hand Served

Civil Service Commission Hand Served
Room 522 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, Ca. 90012

Christine Roam- Hand Served
Los Angeles County Sheriff's Department
4900 S. Eastern Avenue, # 101
City of Commerce, Ca. 90040

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on December 7, 2017 at Los Angeles, California.


Michael A. Goldfeder

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LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

NOV 28 2017

CHRISTINE ROAM, Sergeant
Sheriff's Advocacy Unit
4900 South Eastern Avenue
Commerce, CA 90040
Telephone: (323) 890-5418
Facsimile: (323) 890-9797
Advocate for Respondent,
COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

BEFORE THE CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

In the matter of the DISCHARGE of
CAREN MANDOYAN,

Appellant,
vs.
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Respondent/Department.

Case No.: 16-276

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DEPARTMENT'S CLOSING BRIEF**

Hearing Officer: Joseph Scully

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November 27, 2017

JIM McDONNELL,
SHERIFF

By: 
CHRISTINE ROAM
Sergeant

Advocate for Respondent,
COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

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I.
INTRODUCTION

The Department discharged Appellant for his extremely poor judgment and inappropriate treatment of a coworker, Ms. [REDACTED] both during and after the time they were in a dating relationship (from March 2013 through July 2015). Appellant's attempts to control Ms. [REDACTED] and force her to remain in a romantic relationship with him intensified over time, culminating in an act of domestic violence in September of 2014, and at least two attempts to forcibly enter her apartment between December of 2014 to January of 2015. Appellant's escalating and persistent behaviors ultimately led a reluctant Ms. [REDACTED] to report his conduct to the Department, file a criminal domestic violence/stalking report against Appellant with the El Segundo Police Department, and have him served with a domestic violence restraining order. When Appellant was served with the domestic violence restraining order, he was required, pursuant to Department policy, to immediately notify the Department. He did not.

During the administrative investigation, Appellant lied about his attempts to force entry into Ms. [REDACTED] apartment, which were captured on video. The Department determined that Appellant's conduct, coupled with his dishonesty, brought embarrassment and discredit to the Department and rendered him unsuitable for County service.

Appellant's prehearing documents allege that Ms. [REDACTED] allegations are false and the result of a personal vendetta she has against him because he refused to engage in a long-term relationship with her and instead chose to date her nemesis. There has been absolutely no credible evidence offered which supports this theory. In fact, Appellant did not assert this when interviewed as part of the administrative investigation. The first time it was raised was in Appellant's prehearing documents.

Appellant's counsel will likely continue his attack against Ms. [REDACTED] credibility in his closing brief, as he did in his prehearing documents and throughout the hearing. The Department submits that the totality of the evidence supports the multiple, consistent, and credible statements made by Ms. [REDACTED] throughout this process which form the basis for Charges 1 and 2. Ms. [REDACTED] was required by subpoena to appear and testify at hearing,

1 despite the tremendous stress and discomfort it caused her.¹ Ms. [REDACTED] testified to intensely
2 personal matters and was subjected to rigorous cross-examination. This provided the hearing
3 officer the opportunity to view her demeanor and fully evaluate her credibility. Appellant
4 elected not to testify at hearing, despite the fact that most of the allegations at issue are in the
5 nature of "he-said-she-said." While Appellant is not required to testify,² a negative inference
6 must be drawn from his refusal to answer the charges and provide the hearing officer an
7 opportunity to evaluate his credibility.

8 The Department submits that the charges of misconduct set forth in the suspension
9 letter (DX 3) were not rebutted. Through the testimony of witnesses and presentation of
10 documentary evidence, the Department has more than met its burden and proven by a
11 preponderance of the evidence the truth of every allegation set forth in the Department's letter
12 of September 15, 2016. The nature of Charges No. 1, 2 and 3 – which relate to domestic
13 violence and stalking – are more than sufficient by themselves to justify Appellant's
14 discharge. Appellant's deliberate dishonesty during the administrative investigation as
15 alleged in Charge No. 4 standing alone also warrants discharge. The Department respectfully
16 requests a finding that the allegations have been proven and the discharge was appropriate.

17 II.

18 CERTIFIED ISSUES PRESENTED

19 Pursuant to the Los Angeles County Civil Service Commission, the following
20 questions are the only issues certified in this case:

- 21 1. Are the allegations contained in the Department's letter of September 15,
22 2016, true?
- 23 2. If any or all are true, is the discipline appropriate?

24 ///

25 ///

27 ¹ Witness [REDACTED] testified that after her first hearing appearance on July 25, 2017 and
28 two days before she was required to testify on cross (September 27, 2017), she resigned from
the Department as a result of the stress this proceeding caused her [RT 9/27/17, 71:21-72:22].

² Civil Service Rule 4.11.

1 **III.**

2 **SUMMARY OF FACTS**

3 **A. Employment History**

4 Appellant was hired as a Reserve Deputy on July 11, 2000 [DX 3, page 1; DX 17, page
5 2] and lateraled as a full-time deputy in 2006. He was assigned to West Hollywood Sheriff's
6 Station from February 2007 to February 2013, and served as a training officer since 2009.
7 From February 2013 to the time of his discharge, he was assigned to South Los Angeles
8 Station. Appellant was a tenured, respected deputy whose last two performance ratings were
9 "Very Good" and "Competent." He received a five-day suspension in 2016 for violating the
10 pursuit policy. Appellant was discharged effective September 14, 2016.

11 [REDACTED] began her employment with the Sheriff's Department in September of
12 2006. She worked custody assignments as a deputy sheriff at Twin Towers Correctional
13 Facility and Court Transportation Bureau [DX 7, page 2]. In 2012 Ms. [REDACTED] began patrol
14 training at West Hollywood Station. Appellant was Ms. [REDACTED] assigned training officer
15 during the latter part of her patrol training from September 2012 through December 2012.
16 Shortly after he signed her off training, they began a dating relationship [DX 7, page 2; RT
17 7/26/17, 70:1-22].

18 Ms. [REDACTED] resigned from the Department on September 25, 2017, two days prior to her
19 second Civil Service hearing appearance. Ms. [REDACTED] testified that she resigned as a result of
20 the stress of this proceeding [RT 9/27/17, 71:21-72:22].

21 **B. A Troubled Dating Relationship – February 2013 through September 2014**

22 In February 2013, Appellant transferred to South Los Angeles station. Around the
23 same time, Ms. [REDACTED] was injured on duty (IOD) and off work for five to six months [RT
24 7/26/17, 71:1-12]. When Ms. [REDACTED] returned to work, Appellant began demanding that she
25 not attend briefing, not talk to her partners, and not respond with her partners on calls³ [Id.,
26
27

28 ³ This testimony was corroborated by the observations of Deputy Joseph [REDACTED] [RT
7/25/17, 144:1-146:12]

1 71:21-25]. He convinced her that her partners did not like her and were all talking behind her
2 back [Id., 71:21-72:4].

3 By the end of 2013, Appellant and Ms. [REDACTED] had been dating for approximately a
4 year. Ms. [REDACTED] was feeling "suffocated" "overwhelmed" and "trapped," and characterized
5 their relationship as "hostile" [Id., 75:9-11; 76:25-77:13]. By this time, she had
6 unsuccessfully attempted to break up with Appellant on several occasions [Id., 77:18-21].

7 Ms. [REDACTED] testified that during their relationship, Appellant would take her phone from
8 her against her will at least once a week. He would review its contents and often delete phone
9 numbers, saved messages and recordings. Appellant referred to this as his "checks and
10 balances" [RT 7/26/17, 126:10; 150:14-152:13].

11 On or about December 11, 2013, Ms. [REDACTED] recorded a phone conversation between
12 her and Appellant. She was afraid of Appellant and concerned he might follow through on
13 threats he had made to harm her career [Id., 126:7-25]. Ms. [REDACTED] emailed the recording to
14 her cousin [REDACTED] to protect herself against Appellant's threats [Id., 141:23-142:24].

15 Ms. [REDACTED] believed that Appellant knew people in high places on the Department that
16 could negatively impact her career and her father's career,⁴ so it was important to her that they
17 part ways on good terms [Id., 77:18-21; 143:19-144:6]. When she would try to break up with
18 Appellant, Appellant insisted that they work on their relationship. Because she was desperate
19 to avoid an unpleasant breakup with a fellow Department member, Ms. [REDACTED] would
20 acquiesce and things between them would improve for a bit.

21 Around March or April of 2014, Ms. [REDACTED] moved from her parents' home in Norco
22 into an apartment in El Segundo. During that time, Appellant installed a surveillance camera
23 inside the apartment at Ms. [REDACTED] request due to concerns that the building's handyman had
24 access to her apartment [DX 17, Subject Interview of Appellant, page 10]. Appellant set up
25 the system and installed apps on both his and Ms. [REDACTED] phones because Ms. [REDACTED] lacked
26 the technical know-how to do it herself. Ms. [REDACTED] believed the system was video only, as
27 she had no audio capability on her phone [Id., 145:14-25]. Ms. [REDACTED] first suspected that
28

⁴ Witness [REDACTED] father is also a deputy on the Department.

1 her surveillance system possessed audio capability when Appellant confronted her about a
2 private conversation she had with her cousin [REDACTED] [REDACTED] Although Appellant told her that
3 he heard the conversation because she had not disconnected the phone line with him, she was
4 positive she had hung up the phone [Id., 146:9-147:16]. During his subject interview,
5 Appellant acknowledged that the system had audio capability. He claimed that Ms. [REDACTED]
6 gave him permission to look at the system whenever he wanted, and admitted he had accessed
7 her system "just to make sure nobody is inside the house and whatnot" [DX 17, page 11].

8 **C. September 1, 2014 - Domestic Violence Incident**

9 On or around September 1, 2014, Ms. [REDACTED] went out to socialize with [REDACTED]
10 [REDACTED] a high school friend of hers from Murietta [Id., 154:14-18]. While the women were
11 at *Rock and Brews* down the street from Ms. [REDACTED] apartment, Appellant joined them for a
12 drink. As the evening progressed, the situation between Appellant and Ms. [REDACTED] became
13 tense and it was obviously uncomfortable for Ms. [REDACTED] They walked back to Ms.
14 [REDACTED] apartment, and Ms. [REDACTED] left. Appellant and Ms. [REDACTED] began to argue, and she
15 told him he needed to leave. Appellant seized Ms. [REDACTED] phone and they began to struggle
16 over it. Appellant grabbed Ms. [REDACTED] by her neck and pushed her to the couch and began to
17 strangle her [Id., 156:17-157:6]. As he strangled her, he appeared to be in a blackout rage and
18 told her, "Look what you're making me do. Look what you're making me do" [DX 5, pp 9,
19 10]. Ms. [REDACTED] was unable to breathe. She was scared and believed she was going to die as a
20 result of Appellant's rage over her cell phone [DX 5, page 9; RT 7/26/17 157:21-23].

21 Ms. [REDACTED] kicked at Appellant to push him off of her. He grabbed her jeans and
22 ripped them from the waist to the leg [DX 5, page 8]. Ms. [REDACTED] freed herself and ran to the
23 bedroom. As she closed the bedroom door to lock herself in, Appellant blocked the door with
24 his foot, causing the damage to the bottom of the door [DX 7, page 32]. Ms. [REDACTED] told
25 Appellant to leave, and he complied, taking her phone with him.

26 After Appellant left, Ms. [REDACTED] unsuccessfully tried to track her cell phone on her
27 computer. She went to the bathroom and observed marks on her neck and arms which the
28 Appellant inflicted during the struggle. She located an old cell phone and took pictures of her

1 injuries [DX 19, pp 2-8]. She also took pictures of the damage Appellant caused to her
2 bedroom door [DX 19, page 1].

3 After the incident, Ms. [REDACTED] located Appellant parked in his vehicle near the *Rock*
4 *and Brews*. She asked him to return her phone, and he told her to meet him at her apartment.
5 She drove to the apartment and met him in the driveway. She told him their relationship was
6 over, that it was unacceptable that he put his hands on her. He apologized "profusely,"
7 begged her not to leave him, and promised that he would never do it again [RT 7/26/17,
8 165:8-17]. She told him that she needed to be left alone for the evening, that they could talk
9 about things later. After he begged her not to leave him, she felt trapped. She was even more
10 fearful of him now than she had been before. She wanted to break up with him, but it was still
11 important that when they broke up, it be an amicable break, not because somebody did
12 something wrong. She did not want Appellant to harbor hostility toward her that he might
13 direct toward harming her or her father's careers [Id., 165:17-167:13].

14 Ms. [REDACTED] did not immediately report this incident to law enforcement because she
15 did not want to open "Pandora's Box." She knew if she reported the assault to law
16 enforcement, the Department would become involved and Appellant would lose his job [DX
17 5, page 12; DX 7, page 36; RT 7/26/17, 162:1-6]. It was not an option that she was
18 comfortable with. She also did not immediately tell her parents or anyone from the
19 Department [RT 162:13-164:22].

20 **D. December 27, 2015 - Attempted Forced Entry**

21 By December 27, 2015, Ms. [REDACTED] broke up with Appellant for the final time and their
22 relationship was over [DX 5, page 19; RT 179:4-8]. On December 27, 2015,⁵ Appellant
23 repeatedly called Ms. [REDACTED] but she was not answering. Ms. [REDACTED] was inside her apartment,
24 but did not believe Appellant knew she was home. She heard noises outside her window and
25 door, and realized that Appellant was removing the screen from her window and knocking on
26 her window and door. She began video recording [DX 29, video files 700, 702 and 703].
27
28

⁵ See RT 7/24/17, 78:22-25; 7/26/17 170:25

1 Video 700 is taken from inside Ms. [REDACTED] apartment and lasts approximately 19
2 seconds. As Ms. [REDACTED] approaches her sliding glass door, loud noises can be heard. There is
3 a brief glimpse of Appellant through the blinds as he appears to be making a phone call, then
4 the video ends. Ms. [REDACTED] testified that whenever she would receive a phone call, her video
5 recorder on her phone would shut off [RT 7/27/16, 184:2-3]. She also testified that Appellant
6 called her incessantly while outside her apartment.

7 The next video in the series is 702, and lasts 27 seconds. The video shows Appellant
8 crouched at Ms. [REDACTED] sliding glass door using a metal pulley as a pry tool. Fifteen seconds
9 into the recording, Appellant becomes aware of Ms. [REDACTED] recording him and has a surprised
10 look on his face when he asks, "Oh, really?" He then tells her, "Go ahead. Go ahead," as he
11 pulls his cell phone out of his pocket.

12 Video 703 lasts 19 seconds and shows Appellant with a black and white patterned
13 broomstick in his hand, attempting to pry the door off the rail [RT 7/26/17, 175:12-19]. Ms.
14 [REDACTED] tells him, "Stop!" and he asks her, "What are you doing?" She responds, "What do
15 you think I'm doing?" He asks, "Are you filming me?" to which she responds, "Yeah, I am.
16 Stop trying to break into my house."

17 Appellant's behavior is not consistent with a person trying to retrieve personal
18 property left inside the residence; nor does Appellant ever ask Ms. [REDACTED] to give him his
19 property.

20 Ms. [REDACTED] did not report this incident to the Department or law enforcement because
21 she did not want Appellant to get in trouble or lose his job; however, she did tell him that she
22 would report it if he refused to leave her alone [Id., 178:10-24].

23 **E. January 26, 2015 – Bathroom Window Entry**

24 In the early morning hours of January 26, 2015, Ms. [REDACTED] was working her patrol
25 assignment at Universal CityWalk. Appellant showed up at the substation unannounced, and
26 she saw him in the briefing room. She was not scheduled to end her shift until 4:00 AM, but
27 she quickly changed her clothes and left early without advising anyone [Id., 179:17-24]. On
28 prior occasions, Appellant had followed her home from work, pulled in front of her on the

1 freeway and slammed his brakes [DX 7, page 45] and she wanted to avoid a repeat of that. On
2 her way home, she spoke to Appellant on the phone and told him to leave her alone, that she
3 wanted to move on with her life and find someone who would treat her better⁶ [DX 7, page
4 87]. When she arrived at her apartment, she ran up the stairs and locked the door. Appellant
5 followed her and almost immediately began pounding loudly on her security door. Then he
6 went around to her back patio and began pounding on her sliding glass door. Ms. [REDACTED] used
7 her cell phone and began recording [DX 29, videos 777, 778, 779, 780, 781 and 783].

8 Video 777 lasts 3 seconds and shows the darkened interior of Ms. [REDACTED] apartment.
9 Video 778 lasts 7 seconds and is also of the darkened apartment interior. In both videos, there
10 are sounds outside consistent with someone attempting to open a window. Video 779 lasts 14
11 seconds. Ms. [REDACTED] announces, "You need to leave." Appellant can be heard saying,
12 "[REDACTED] and Ms. [REDACTED] responds, "You need to leave."

13 Video 780 is a continuation of recording from inside the darkened apartment and lasts
14 one minute and thirteen seconds. Ms. [REDACTED] can be heard demanding Appellant to get away
15 from her door and go home. Appellant's voice is muffled and the words are indistinct.

16 Video 781 lasts 53 seconds. It is filmed from inside Ms. [REDACTED] darkened bathroom.
17 At 00:23, ambient lighting from outside the bathroom window can be faintly seen, and it
18 appears the window is being opened from outside. At 00:38 a hand can be seen pushing the
19 window open. Ms. [REDACTED] demands, "Get the fuck out of my house," and a shuffling sound is
20 heard. Ms. [REDACTED] repeats, "Get the fuck out of my house, Caren! Get out! Stop, dude!" as
21 Appellant tells her to come outside. Ms. [REDACTED] announces, "I'm calling the cops. I'm calling
22 the cops." Ms. [REDACTED] sounds frightened. She testified that as Appellant begins to enter her
23

24
25 ⁶ At hearing, Ms. [REDACTED] was shown Appellant's phone bill for January 26, 2015,
26 Appellant's Exhibit 58. She could not recall the substance of what she and Appellant
27 discussed for 26 minutes at 3:18 AM during her drive home from Universal CityWalk.
28 However, during her interview with Lt. [REDACTED] on June 24, 2016, Ms. [REDACTED] explained the
context of Appellant's question to her which was captured on video 783, "Where are you going
to find this person, that's all I ask?" She explained that their argument started when she told
him that she needed to find someone who would treat her better than he did.

1 bathroom window, he is throws toiletry items from her windowsill at her [DX 5, page 16; DX
2 7, page 85; RT 7/26/17 189:10-14].

3 Video 0783 is complete blackness with audio and lasts 29 seconds. Appellant is asking
4 Ms. [REDACTED] where she intends to find this person as Ms. [REDACTED] tells him over and over to get
5 out of her window.

6 Ms. [REDACTED] testified that despite feeling frightened and annoyed by Appellant's attempt
7 to enter her bathroom through the window, she did not call law enforcement because she did
8 not want to get law enforcement involved and did not want Appellant to lose his job. The only
9 thing she wanted was to be left alone to move on with her life [RT 7/26/17, 190:24-191:8].

10 After this incident, Ms. [REDACTED] landlady informed her that other tenants had
11 complained about the commotion. She informed Ms. [REDACTED] that another incident would result
12 in her being evicted. Ms. [REDACTED] advised Appellant that he had to leave her alone; their
13 relationship was over. She had nowhere to go, and she would not allow him to jeopardize her
14 residence. She once again threatened that she would get the Department involved if he did not
15 stop.

16 **F. New Phone Carrier**

17 After the January 26 incident, in order to prevent Appellant from contacting her, Ms.
18 [REDACTED] got a completely new phone with a new number with a new carrier. Throughout their
19 relationship, Appellant knew details of conversations she had with other people, and she
20 believed that he may have somehow bugged her phone. She was unaware of how he would
21 have accomplished that, but in order to prevent any software from automatically downloading,
22 she changed everything about her phone and did not provide Appellant with her number. In
23 fact, she carefully guarded who she gave her number to.

24 One person Ms. [REDACTED] gave her new number to was Deputy [REDACTED] [REDACTED] her
25 work partner and friend. Ms. [REDACTED] and [REDACTED] worked together as partners at Universal
26 CityWalk from December 2014 through March 2015 [RT 9/27/17, 15:2-15]. While Ms.
27 [REDACTED] was going through her breakup with Appellant, [REDACTED] would call Ms. [REDACTED] to
28 make sure she was safe and Appellant was not harassing her [DX 5, page 17]. Ms. [REDACTED]

1 confided in [REDACTED] personal details of her relationship with Appellant, believing that
2 [REDACTED] did not know Appellant. Ms. [REDACTED] began to suspect that [REDACTED] was somehow
3 sharing confidential details with Appellant about whom Ms. [REDACTED] was dating [DX 5, page
4 17]. Ms. [REDACTED] suspicions were confirmed when [REDACTED] showed Ms. [REDACTED] her call log
5 on her phone which showed [REDACTED] had been talking to Appellant [Id., page 18]. Ms.
6 [REDACTED] felt betrayed that [REDACTED] had befriended Appellant and was sharing her confidences
7 with him. When Ms. [REDACTED] began receiving anonymous annoying and harassing text
8 messages on her phone, she concluded that [REDACTED] furnished Appellant with her new cell
9 number. She ended her friendship with [REDACTED] [REDACTED]

10 **G. Appellant Befriends [REDACTED] [REDACTED] and [REDACTED] [REDACTED]**

11 Appellant befriended Deputy [REDACTED] [REDACTED] in February of 2015 by sending her a
12 message via Facebook [RT 9/27/17, 23:9-21]. That friendship lasted from approximately mid-
13 February 2015 through the end of May.

14 On May 22, 2015, Appellant befriended [REDACTED] [REDACTED] by sending a friend
15 request via Facebook [RT 7/25/17, 15:11-16:9]. [REDACTED] had been a close, personal friend of
16 Ms. [REDACTED] when they worked custody together, but had had a major falling out in 2012.
17 [REDACTED] and Appellant engage in an intimate dating relationship that lasted approximately one
18 month.

19 Although both women knew who Appellant was from work, prior to Appellant reaching
20 out to them on Facebook, neither were Appellant's friends. Appellant initiated and actively
21 pursued relationships with both women after Ms. [REDACTED] broke up with him.

22 **H. Harassing Text Messages Continue – February 2015 through June 21, 2015**

23 Despite changing her phone number, Ms. [REDACTED] began receiving annoying and
24 harassing text messages in February 2015 [DX 5, page 20; DX 7, page 50]. Ms. [REDACTED]
25 ignored and deleted most of the texts because they were addressed to her and about her [RT
26 7/26/17, 199:13-25]. On June 3, 2015, Ms. [REDACTED] learned that Sergeant [REDACTED] [REDACTED]
27 received an anonymous text message alleging that Ms. [REDACTED] was sleeping with [REDACTED]
28 husband, Deputy [REDACTED] [REDACTED] and that [REDACTED] had genital herpes [DX 20]. When Ms. [REDACTED]

1 learned of the text, she felt it crossed the line. The harassing text messages were now
2 involving other Department members, and had to be stopped [DX 7, page 52; RT 7/26/17,
3 199:13-25]. Ms. [REDACTED] was extremely upset and believed that Appellant was responsible for
4 the text [RT 7/26/17, 198:4-9]. She called Appellant. She was heated when she accused him
5 of sending the text to Sergeant [REDACTED] and angrily told him he was crazy and this had to
6 stop [DX 25, page 13]. She told him to leave her alone and leave her partners alone. And she
7 threatened if he did not, she would get the Department involved [DX 25, page 14; RT 7/26/17,
8 198:19-199:1].

9 Texts to other Department members ceased after June 3, but Ms. [REDACTED] continued to
10 receive anonymous harassing text messages [DX 6, pp 14-19]. From February through June
11 2015, Ms. [REDACTED] estimates she received from 40 to 50 anonymous, harassing text messages
12 [RT 7/26/17, 208:10-19]. The content of these messages included specific information about
13 her day-to-day life that could only be known by someone close to her or if she was under
14 surveillance. She decided that these texts must stop, so on Father's Day – June 21, 2015 – she
15 invited Appellant to her apartment so she could, in no uncertain terms, explain how serious she
16 was about putting an end to the texts. After telling him these texts had to end, she told him to
17 move on with his life; that he was jeopardizing his job. While she did not want to go to the
18 Department, if other Department members receive these types of texts, they would be likely to
19 report them and she did not want him to get in trouble [RT 7/26/17, 200:3-201:5]. Appellant
20 denied sending Ms. [REDACTED] the text messages, but Ms. [REDACTED] did not believe his denials; he
21 was the only person who was that interested in her life.

22 During this conversation, Appellant intimated that he had been outside her apartment
23 listening while she had sex with another man [Id., 201:22-202:4]. He also asked her about
24 condoms she had purchased. She concluded that Appellant could only have obtained
25 information about condoms she had recently purchased by hacking into her Amazon account
26 [DX 5, page 23].
27
28

1 **I. June 23, 2015 - Department Notification**

2 On June 23, 2015 at 8:54 AM, Ms. [REDACTED] received the following text message from an
3 anonymous texting service: "Get a life, [REDACTED] Ur father's day we bet was lonely since ur
4 married 924s⁷ were with their wives and kids. U r a sad person.stop coming here!" [DX 6 page
5 13]. Ms. [REDACTED] felt that Appellant had called her bluff. At 9:30 AM, she called Lieutenant
6 Robert Wiard and reported that since breaking up with Appellant in December of 2014, she felt
7 she was being stalked by Appellant; that he had attempted to break into her house; and was
8 texting both her and her co-workers. This report to Lieutenant Wiard initiated the
9 Department's administrative investigation into this matter. Department protocols require
10 immediate action to protect the workplace. Appellant would have been ordered not to contact
11 Ms. [REDACTED]

12 The annoying and harassing anonymous texts to Ms. [REDACTED] immediately ceased after
13 this notification to the Department.

14 **J. June 26, 2015 – Rock and Brews Stalking**

15 Sometime in June, [REDACTED] [REDACTED] began to feel that something about her
16 relationship with Appellant was off [RT 7/25/17, 25:18-25]. Based on the abnormal interest
17 Appellant expressed about Ms. [REDACTED] felt she needed to reach out to her. Because
18 they were no longer friends, she reached out to a mutual acquaintance, Deputy [REDACTED]
19 [REDACTED] [REDACTED] contacted Ms. [REDACTED] and urged her to call [REDACTED] [REDACTED] and
20 [REDACTED] spoke and shared information. This information bolstered Ms. [REDACTED] conviction
21 that Appellant was in fact stalking her.

22 On June 26, 2015, Appellant called [REDACTED] [REDACTED] and told her that he was driving
23 to Best Buy when he saw Ms. [REDACTED] walking with a man to *Rock and Brews*. Ms. [REDACTED]
24 called Ms. [REDACTED] and relayed this information. While Ms. [REDACTED] had in fact walked to *Rock*
25 *and Brews* with a man, she knew that there was no Best Buy nearby. Ms. [REDACTED] concluded
26 that Appellant was following her.

27
28 ⁷ 924 is the radio code for "Station Detail" and is slang deputies loosely use to refer to a
person a deputy is having an affair with.

1 **K. July 10, 2015 – Appellant Relieved of Duty**

2 Based on the serious nature of the allegations, the Department relieved Appellant of
3 duty on July 10, 2015.

4 **L. July 14, 2015 – Restraining Order and Police Report**

5 On July 14, 2015, [REDACTED] [REDACTED] accompanied Ms. [REDACTED] to the Chatsworth court
6 and obtained a temporary domestic violence restraining order. That evening, Ms. [REDACTED]
7 contacted El Segundo Police Department and made a formal, criminal complaint against
8 Appellant. The report listed Appellant as a criminal suspect for felony stalking, a violation of
9 Penal Code section 646.9(a), ESPD report #15-1659 [DX 6, pp 1-7]. ESPD Detective
10 Danowitz conducted a follow-up interview with Ms. [REDACTED] on July 17, 2015. The interview
11 was digitally recorded [DX 29] and transcribed [DX 5]. The report was submitted to the
12 District Attorney's office for filing consideration. On September 8, 2015, the D.A.'s office
13 declined to file charges, citing "No witness to assault and the 10 and ½ month delayed
14 reporting...Insufficient evidence to prove BRD."⁸ [DX 6, page 13].

15 **M. July 22, 2015 – Appellant Served with Restraining Order**

16 On July 22, 2015, [REDACTED] [REDACTED] accompanied by ESPD officers, personally
17 served the Appellant with the domestic violence restraining order naming Ms. [REDACTED] as the
18 protected person [DX 21]. Appellant understood that he was expected to immediately notify a
19 supervisor at his Unit of Assignment in the event he was served with a restraining order, but he
20 did not [DX 17, page 71]. The restraining order specifically prohibited him from possessing
21 firearms or ammunition [DX 21, page 11]. Because Appellant had already been relieved of
22 duty, he claims that he notified his union attorney.

23 **IV.**

24 **THE DECISION MAKER'S FINDINGS**

25 Assistant Sheriff [REDACTED] testified as the Department's decision maker [RT
26 7/25/17, pp 85-140]. He has worked for the Sheriff's Department for 39 years and is currently
27

28 ⁸ The reviewing District Attorney made no determination that Ms. [REDACTED] was not
credible.

1 one of four Assistant Sheriffs. Prior to his promotion to Assistant Sheriff in December of
2 2016, Assistant Sheriff [REDACTED] served as Division Chief for Central Patrol Division for three
3 years. As Division Chief, he was responsible for the oversight of six patrol stations, which
4 included reviewing all employee discipline within his division.

5 As the decision maker, he reviewed the administrative investigation into the allegations
6 against Appellant. The investigation was conducted by the Department's Internal Affairs
7 Bureau. Once Assistant Sheriff [REDACTED] determined what Department policies Appellant
8 violated, the case and his findings were presented to the Case Review Panel, a reviewing board
9 comprised of three Assistant Sheriffs. The members of the Case Review Panel also read the
10 entire investigative file, including a review of video and audio evidence.

11 Department's Exhibit 1 is the Disposition Worksheet presented to the Case Review
12 Panel on behalf of Assistant Sheriff [REDACTED]. The Disposition Worksheet included the
13 charges he deemed founded, a summary of the facts, a review of the range of discipline
14 available for the various violations, and an assessment of mitigating and aggravating factors
15 that weighed into his decision. The signatures of Assistant Sheriffs Barrantes and Rogers,
16 Acting Assistant Sheriff Johnson, and Sheriff McDonnell denote their concurrence with
17 Assistant Sheriff Denham's determination of policy violations and that the allegations
18 warranted discharge.

19 Based on his review of the facts, Assistant Sheriff [REDACTED] determined Appellant's
20 most significant conduct warranting discharge was a) the domestic violence he committed
21 against Ms. [REDACTED] on September 1, 2014, when he pushed her to the couch, held her down and
22 cut off her breathing; b) Appellant's attempted force entry into Ms. [REDACTED] apartment which
23 was caught on video; and c) Appellant's false statements during the internal affairs interview.

24 In evaluating the credibility of both Appellant and Ms. [REDACTED] he gave serious
25 consideration to their reputations. He understood Appellant to be a respected training officer,
26 and considered Ms. [REDACTED] to be a "marginal employee" [TR 108:1-10]. He closely evaluated
27 Ms. [REDACTED] statements in light of any motive she may have to lie, along with photographic,
28 video and other witness testimony. Over his 39-year career in law enforcement, Assistant

1 Sheriff [REDACTED] has had extensive experience handling domestic violence cases and has served
2 on the Domestic Violence Council [RT 7/25/17, 109:19-22]. He was not concerned that the
3 District Attorney's office declined to file criminal charges. In his experience, it is not
4 uncommon for the D.A.'s office to decline prosecution. Based on a totality of the evidence, he
5 formed the opinion that Ms. [REDACTED] was telling the truth about Appellant pushing her to the
6 couch, holding her down, choking her, and then damaging her interior bedroom door when he
7 followed her to the bedroom and tried to force his way in [Id., 97:1-25]. The video evidence
8 also supported her allegations that Appellant attempted to force his way into her apartment on
9 two separate occasions.

10 Assistant Sheriff [REDACTED] also considered Appellant's statements during his subject
11 interview, and found his statements undermined his credibility. Despite clear video evidence
12 of Appellant kneeling at the sliding glass door and trying to pry it off the rail while Ms. [REDACTED]
13 ordered him to leave, Appellant claimed he was only using the metal pulley to knock and get
14 Ms. [REDACTED] attention. Assistant Sheriff [REDACTED] had prior experience as a crime prevention
15 officer who taught classes on the weaknesses and vulnerabilities of sliding glass doors [TR
16 130:18-131:4] and immediately recognized that Appellant was in fact attempting to use the
17 metal pulley as a lever to lift the sliding glass door out of its track. Appellant's unbelievable
18 denial established a "consciousness of guilt" and leant credibility to Ms. [REDACTED] allegations
19 [Id., 126:18-24].

20 Assistant Sheriff [REDACTED] testified that he found the anonymous text messages sent to
21 Ms. [REDACTED] disturbing, but it was difficult to determine exactly who sent them. He gave the
22 text messages very little weight in his overall determination of the case. He considered
23 Appellant's attempts to break into Ms. [REDACTED] apartment to be an extremely dangerous act
24 considering both of them were peace officers and possessed firearms. In this emotionally-
25 charged situation where Ms. [REDACTED] was ordering him to leave, his refusal to do so could have
26 had tragic consequences.

27 Ultimately, Assistant Sheriff [REDACTED] determined that Appellant violated the
28 Department policies listed in the charges: [REDACTED]

1 [REDACTED] Honesty
2 Policy; Dishonesty/False Statements; and Dishonesty/Failure to Make Statements and/or
3 Making False Statements During Departmental Internal Investigations. The discipline ranges
4 for these specific policy violations are enumerated in the Department's *Guidelines for*
5 *Discipline* [DX 23].

6 The *Guidelines for Discipline* represent the Sheriff's philosophy regarding discipline
7 and aid decision makers to ensure consistency in discipline Department-wide. Page 6 of the
8 *Guidelines*, under the heading *Non-Progressive Discipline*, reads:

9 *There are some acts of misconduct, which by their nature, are not appropriate*
10 *for progressive discipline. These are conduct problems which the employee*
11 *should have reasonably known to be unacceptable, without specific notice from*
12 *the Department, or which are generally socially unacceptable.*

13 *Such behavior may include, but is not limited to ...dishonesty... violent*
14 *behavior... or behavior which is illegal or places the individual or the*
15 *Department in violation of federal, state or local laws, or court orders.*

16 *These acts may result in relatively harsh discipline, even discharge, without the*
17 *use of progressive discipline.*

18 V.

19 STATED CHARGES

20 The stated charges, as detailed in the Department's Letter of Imposition dated
21 September 15, 2016 [DX 3], are as follows:

- 22 1. [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]
- a. [REDACTED]
b. [REDACTED]
[REDACTED]

c. [REDACTED]

d. [REDACTED]

e. [REDACTED]

f. [REDACTED]

g. [REDACTED]

Your conduct brought discredit to yourself and the Department.

2. [REDACTED]

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

d. [REDACTED]

e. [REDACTED]

f. [REDACTED]

g. [REDACTED]

h. [REDACTED]

3. [REDACTED]

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

4. That in violation of the Manual of Policy and Procedures Sections 3-01/040.69, *Honesty Policy*, and/or Section 3-01/040.70, *Dishonesty/False Statements*; and/or 3-01/040.75, *Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigation*, on or about July 14, 2016, you failed to make truthful, complete and/or accurate statements in your administrative interview, as evidenced by, but not limited to:

a. denying that you attempted to enter into Ms. [REDACTED] residence by way of her sliding glass door; and/or,

b. denying that you attempted to enter into Ms. [REDACTED] residence through her bathroom window; and/or,

c. stating that you used a tool/object/"pulley" handle to enter Ms. [REDACTED] residence only to knock on the door and get Ms. [REDACTED] attention for the purposes of retrieving your backpack and key; and/or,

d. stating you opened and/or entered Ms. [REDACTED] bathroom window for purpose of "apologizing."

VI.

POLICY SECTIONS THAT SERVED AS BASIS FOR APPELLANT'S DISCIPLINE

Appellant violated the following policies, which serve as the basis for his discharge:

1 A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

...

Department's Exhibit 2, page 6 (emphasis added)

[REDACTED]

[Department's Exhibit 23, page 26].

12 B. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

...

[REDACTED]

...

[REDACTED]

[REDACTED]

[Department's Exhibit 23, page 27].

23 C. [REDACTED]

[REDACTED]

[REDACTED]

1
2
3
4
5
6
7
8
9

...

e)

[REDACTED]

...

[REDACTED]

...

[REDACTED]

[REDACTED]

[Department's Exhibit 23, page 27].

D.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Department's Exhibit 23, page 28].

E.

[REDACTED]

[REDACTED]

...

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 F. MPP 3-01/040.69 – Honesty Policy

13 Department members are held to the highest standards of integrity and ethics.
14 In particular, honesty and trustworthiness are of paramount importance to
15 the credibility and integrity of all Department members. Honesty and
maintaining the trust of those we serve depend on candor, forthrightness,
sincerity, and accuracy.

16 Dishonesty destroys trust and violates Department policy. Examples of
17 dishonesty and violations of trust include not only false statements, but also
18 deliberate distortions of the truth, intentional exaggerations, concealment of
19 or failure to disclose material facts, observations, or recollections, and the
20 failure to make full, complete and truthful statements when required.

21 Department members who violate this section are subject to discipline up to
22 and including discharge.

Department's Exhibit 2, page 13 (emphasis added)

23 A violation of the *Honesty Policy* carries a discipline range of 25 days to discharge [DX
24 23, page 29].

25 G. MPP 3-01/040.70 – Dishonesty/False Statement

26 Members shall not make false statements or commit any other violations of
27 the honesty policy, section 3-01/040.69, when questioned [or] interviewed, or
28 in reports or documents submitted. Department members who violate this
section are subject to discipline up to and including discharge.

Department's Exhibit 2, page 15 (emphasis added)

1 A violation of this policy carries a discipline range of 25 days to discharge [DX 23,
2 page 29].

3 **H. MPP 3-01/040.75 – Dishonesty/Failure to Make Statements and/or Making False**
4 **Statements During Departmental Internal Investigations**

5 *False statements and any other form of dishonesty during an official*
6 *Department internal investigation or inquiry shall, absent extenuating*
7 *circumstances, result in discharge.*

8 *Failure or refusal to make statements when ordered during Departmental*
9 *investigations constitutes insubordination and shall, absent extenuating*
10 *circumstances, result in discharge.*

11 Department's Exhibit 2, page 15 (**emphasis added**)

12 A violation of this policy carries a discipline range of 25 days to discharge [DX 23,
13 page 29].

14 **VII.**

15 **ALLEGATIONS HAVE BEEN PROVEN BY THE CREDIBILITY OF THE**
16 **WITNESSES AND BY THE ADMITTED DOCUMENTARY EVIDENCE**

17 **A. [REDACTED] Was a Credible Witness**

18 [REDACTED] walked into this hearing carrying some serious baggage. Two of her
19 supervisors testified before she did and described her work ethic and character in very
20 unflattering terms. Ms. [REDACTED] recorded interviews were replete with profanity. Most
21 people would be surprised that a trained law enforcement officer would allow herself to remain
22 trapped in such a toxic and dysfunctional relationship as the one she described. Ms. [REDACTED] did
23 not immediately report Appellant's criminal conduct to law enforcement, the Department, or
24 even her parents; in fact, she waited over ten months before she reported that Appellant
25 physically assaulted and strangled her. While this baggage may complicate the credibility
26 assessment which must be undertaken, none of it precludes Ms. [REDACTED] from being a legitimate
27 victim.

28 Assistant Sheriff [REDACTED] acknowledged that he had to carefully weigh Ms. [REDACTED]
statements in light of her reputation as a "marginal employee," the delay in reporting the
physical assault, along with any possible motive she may have to make a false allegation
against Appellant. He concluded that the totality of the evidence weighed in favor of Ms.

1 [REDACTED] version of the facts and against Appellant's. In particular, Appellant's denial that he
2 was attempting to pry the sliding glass door off of the rail when that is what he is clearly
3 caught doing on video demonstrated a consciousness of guilt and impugned his credibility.

4 As part of the record, we have eight recorded statements from Ms. [REDACTED] that span a
5 two-year period:

- 6 • The July 14, 2015 report taken by El Segundo Officer Lemus [DX 6, pp 3-6];
- 7 • The July 14, 2015 application for domestic violence restraining order [DX 21,
8 pp 5 AND App. Ex. 60];
- 9 • The July 17, 2015 interview by ESPD Detective Danowitz, which was recorded
10 and transcribed;
- 11 • The June 23, 2015 notification to Lieutenant Robert Wiard [App's Ex. 54];
- 12 • The June 24, 2016 Internal Affairs interview by Lt. [REDACTED] [REDACTED];
- 13 • The July 28, 2016 follow-up interview by Lt. [REDACTED] [REDACTED] [DX 25, pp. 9-48];
14 and
- 15 • Two days of testimony at Civil Service: July 26, 2017 and September 27,
16 2017.

17 These statements are all strikingly consistent and credible. In addition, a multitude of
18 witnesses, documents, pictures, text messages and videos have corroborated Ms. [REDACTED]
19 statements, further bolstering her credibility.

20 Ms. [REDACTED] has consistently stated that she never wanted to open "Pandora's box" and
21 get the Department involved. Even after the September 1 assault; even after feeling helpless
22 and trapped in this toxic relationship; even after the Appellant treated her so poorly, she
23 admitted that she loved him [RT 9/27/17, 168:23-169:2]. She felt trapped in this relationship
24 with a man who was obsessed with her and refused to move one. She believed him when he
25 said he had "eyes and ears everywhere" and knew people in high places on the Department.⁹
26

27 ⁹ For example, during her recorded interview with ESPD Detective Danowitz, Ms.
28 [REDACTED] tells him, "I just, I mean, for the record, you know, I'm glad El Segundo is handling this
criminal report, because I don't trust my agency for shit" [DX 5, page 12]. She also admitted,
"So [REDACTED] wants to serve him [with the restraining order]. Like she is the only person I can

1 Because they were both Department members and she believed Appellant had the power to
2 help or destroy her, it was vitally important to her that they part on good terms. She was not
3 only concerned about what might happen to her, but also to her father.

4 Ms. [REDACTED] regularly threatened to report his conduct to the Department to encourage
5 Appellant to move on; instead, Appellant's conduct escalated. By June of 2015, she had
6 reached the end of her rope. Despite the fact she ended their relationship six months earlier,
7 the situation was not improving. She felt stalked and harassed. Other Department members
8 were being dragged into her mess. On June 21, 2015, Ms. [REDACTED] asked Appellant to meet with
9 her, and she emphatically demanded Appellant leave her alone or she threatened she would get
10 the Department involved. Despite his denials; she was certain he was responsible for sending
11 the anonymous harassing text messages. Two days after this meeting, she received another
12 anonymous harassing text message. This was her breaking point.

13 During her testimony, Ms. [REDACTED] was often unclear about specific dates;¹⁰ however,
14 this should not undermine her credibility. These events happened from 2012 to 2015, and she
15 has done her best to put these matters behind her. She was reluctant to report, and she was
16 unhappy about having to testify. In fact, she was so distressed about having to testify, that she
17 resigned from the Department on September 25, 2017, two days before her final day of
18 testimony. No doubt she was naively hoping that if she was no longer a Department member,
19 she would not be subject to subpoena. Despite the overwhelming pressure, she appeared at
20 hearing and endured an arduous cross-examination. Ms. [REDACTED] had absolutely nothing to gain
21 from her testimony, and that further enhances her credibility.

22 The Department submits that Charges 1 and 2 in total have been established through the
23 credible testimony of Ms. [REDACTED]

24
25
26 trust" [DX 5, page 17]. When asked if she told anyone at her station about what she was going
27 through, Ms. [REDACTED] responded, "No. Because he claimed to know everybody at the, I didn't
28 tell anybody...No, no, no, I didn't tell anybody. I didn't tell anybody because I didn't, I
couldn't trust anybody. I didn't know who to fucking trust ..." [DX 5, page 35].

¹⁰ A timeline of events was determined based on documentary evidence and reports
made closer in time.

1 **B. Corroborating Witnesses**

2 [REDACTED] (Ms. [REDACTED] cousin), [REDACTED] Deputy [REDACTED] and
3 Deputy [REDACTED] were all presented as witnesses to provide testimony to corroborate
4 Ms. [REDACTED] testimony and aid the trier of fact.

5 **VIII.**

6 **APPELLANT'S "EVIDENCE" SUPPORTS THE DEPARTMENT'S ALLEGATIONS**

7 During hearing Appellant entered into evidence a number of exhibits. These exhibits
8 enhanced the Department's case.

9 **A. Appellant's Exhibit 53 – [REDACTED] Emails**

10 Appellant and Ms. [REDACTED] were engaged in a dating relationship for approximately two
11 years, from 2012 to 2014. It was therefore not surprising that many witnesses were uncertain
12 about specific dates. Appellant's Exhibit 53 – emails between [REDACTED] and Appellant –
13 helped to refresh Deputy [REDACTED] memory regarding exactly when her brief friendship with
14 Appellant occurred. This timeline supports [REDACTED] belief that Appellant was keeping tabs on
15 her,¹¹ that [REDACTED] supplied Appellant with her phone number, and that [REDACTED] was the
16 source of the information contained in the anonymous harassing text messages.

17 **B. Appellant's Exhibit 55 – [REDACTED] Text Message**

18 On cross-examination, Appellant's counsel confronted [REDACTED] with Exhibit 55
19 in an attempt to impeach her claims that Appellant opposed her talking to her cousin. This one
20 page of an ongoing text exchange was presented without context, and therefore has little
21 probative value for the purpose it was offered. However, this exhibit strongly impugns
22 Appellant's honesty.

23 During his subject interview, Appellant told Lieutenant [REDACTED] that he knew [REDACTED]
24 was the one sending Ms. [REDACTED] the anonymous text messages because she would send him
25 screenshots of the messages. Lieutenant [REDACTED] asked Appellant if he had any of the
26
27

28 ¹¹ Ms. [REDACTED] testified that Appellant would constantly tell her, "I have eyes and ears everywhere."

1 screenshots.¹² Appellant responded, "No, I don't sir," and he went on to explain, "Because
2 when I severed my relationship with her and whatnot and actually I even lost my phone. I was
3 working overtime at West Hollywood and running to an assistance request, so but I normally
4 don't keep texts or screenshots."

5 [REDACTED] Okay. And then just to be clear, what kind of phone did you have at the
6 time?

7 Appellant: I had a Motorola Droid.

8 [REDACTED] And was there any kind of back-up feature where it would backup your
9 phone to the Cloud where that might exist at another place?

10 Appellant: I set that up, my new one, the...

11 [REDACTED] But you didn't have it on that one?

12 Appellant: And I didn't have it on that one, sir, and I regret it to this day because we
13 wouldn't even be here. [DX 17, page 32-33].

14 The glaring question is: How was Appellant able to produce this exhibit at hearing if
15 what he told Lieutenant [REDACTED] was true: that he did not keep texts and lost his phone after
16 June of 2015 and had no backup?

17 **C. Appellant's Exhibit 56 – [REDACTED] Text Message of December 27, 2014**

18 Appellant's Exhibit 56 purports to be five pages of a text message exchange between
19 Appellant and Ms. [REDACTED]. Again, if Appellant told Lieutenant [REDACTED] the truth about not
20 saving texts, losing his phone, and having no backup, where did these five pages of text
21 messages come from? Appellant opted not to testify, but the reasonable conclusion is that he
22 lied to Lieutenant [REDACTED] and lying suggests a consciousness of guilt.

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28 ¹² These screenshots would have been sent during the month Appellant and [REDACTED]
were involved in a relationship, May/June of 2015. Appellant's interview was July 14, 2016, a
little over year later.

1 **D. Appellant's Exhibit 57 – [REDACTED] Text Message of January 25, 2015**

2 Appellant's Exhibit 57 purports to be a brief text message exchange between Appellant
3 and Ms. [REDACTED] on January 25, 2015. AGAIN, if Appellant told Lieutenant [REDACTED] the truth
4 about not saving texts, losing his phone and having no backup, where did this come from?

5 **E. Appellant's Exhibit 58 – One-page Wireless Bill**

6 Appellant's Exhibit 58 purports to be one page of a 33-page wireless bill belonging to
7 Appellant. The bill shows that Appellant called Ms. [REDACTED] on 1/26/15 at 3:14 AM. That call
8 lasted two minutes. This was followed by a 26 minute phone call from Ms. [REDACTED] at 3:18 AM.
9 This is absolutely consistent with her testimony that she left work early and spoke to the
10 Appellant by phone during her drive home from Universal CityWalk to El Segundo. During
11 this conversation, she told Appellant to leave her alone, that she needed to find someone who
12 would treat her better. Once she arrived home, she ran up the stairs and locked her door.
13 Appellant was immediately behind her and began knocking on her door. Ms. [REDACTED] said that
14 Appellant would constantly call her, and these calls would shut off the video recording
15 function of her phone. Immediately after the 26 minute call ended, Appellant called Ms.
16 [REDACTED] 21 times in a span of 23 minutes. This would explain why there are six short video
17 recordings of Appellant outside her apartment and entering her apartment through her
18 bathroom window, instead of one long video. This was an extremely valuable exhibit to
19 support Ms. [REDACTED] credibility and help us understand her testimony.

20 **F. Appellant's Exhibit 60 – Supplemental Pages of Restraining Order Application**
21 **2015**

22 Appellant's Exhibit 60 contains supplemental information provided by Ms. [REDACTED] in
23 support of her application for a restraining order. The information contained in this application
24 is consistent with her testimony and helps to more accurately fill in the timeline of events.

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28 ///

1 IX.

2 APPELLANT'S PURPORTED EXCUSES AND DEFENSES LACK FOUNDATION
3 AND ARE UTTERLY WITHOUT MERIT

4 A. **Appellant Cannot Rely on Hearsay Statements to Prove Any Fact**

5 According to Civil Service Rule 4.10, hearsay evidence may be admitted at hearing, but
6 is insufficient by itself to establish any fact (unless otherwise admissible). Appellant failed to
7 testify at hearing; therefore, he cannot rely on his uncorroborated hearsay statements to
8 establish any fact. The facts must be determined based on the relevant, competent evidence
9 elicited at hearing.

10 B. **Appellant Orchestrated the Harassing Text Messages**

11 From the various statements of the witnesses, it is not entirely clear who sent the
12 harassing text messages to [REDACTED] and [REDACTED]. One thing is clear: Whether
13 he actually sent them or not, Appellant was the driving force behind them. During his subject
14 interview, Appellant acknowledged that he was aware of the text messages and familiar with
15 their content, which included very personal details about Ms. [REDACTED] life. Appellant alleged
16 [REDACTED] was spontaneously sharing information with him about Ms. [REDACTED] which he
17 then passed on to [REDACTED]. He claims that [REDACTED] then took it upon herself to send
18 the text messages. The problem with that story is: the text messages started in February and
19 ended mid-June. Appellant did not befriend [REDACTED] until mid-February, but their friendship
20 was over by the end of May. Appellant did not befriend [REDACTED] until May 22. His
21 explanation conflicts with the testimony [REDACTED] and [REDACTED] and does not fit within the
22 timeline.

23 Ms. [REDACTED] was sure that Appellant was sending the text messages she received
24 between February and June of 2015. She closely guarded whom she gave her phone number
25 to, and deduced that Appellant got her number from [REDACTED]. When the text messages began,
26 she and [REDACTED] were friends. Ms. [REDACTED] also knew that the Appellant was the only one
27 obsessed with her and concerned about whom she might be sleeping. By June 21, Appellant
28 knew that she was very upset about the texts. So upset that she threatened to get the

1 Department involved. Appellant flat out denied sending the texts. He also claimed that he
2 really cared about Ms. [REDACTED]. If that were true, why wouldn't he have told Ms. [REDACTED] on
3 June 21, "I'm not the one sending you the text messages, but I know who is," and then take
4 steps to ensure they stopped.

5 **C. Appellant Was Told By a Supervisor Not to Hang Out at the Station**

6 During his subject interview, Appellant denied that he hung out at West Hollywood
7 Station when he was off-duty and Ms. [REDACTED] was on. He also denied that he was ever told by
8 any supervisor not to hang out at West Hollywood Station when Ms. [REDACTED] was on duty and
9 he was off [DX 17, page 9].

10 Lieutenant [REDACTED] testified at hearing that she became acquainted with
11 Appellant and Ms. [REDACTED] when she worked as a sergeant assigned to West Hollywood. She
12 recalled at least three separate occasions that Appellant was off-duty hanging out in the
13 dispatch area while Ms. [REDACTED] was working there. On one occasion she counseled him that
14 since he was off-duty and no longer assigned to West Hollywood Station, it was not acceptable
15 for him to hang out in dispatch [RT 7/25/17, 60:14-62:9].

16 **D. After Their Breakup, Appellant Tried to Unfairly Ruin [REDACTED] Reputation**

17 Lieutenant [REDACTED] was transferred to the Inmate Reception Center (IRC) when she
18 promoted from sergeant to lieutenant. Sometime after Appellant and Ms. [REDACTED] broke up,¹³
19 she recalled Appellant visiting her at IRC. During the visit, he told her that he and [REDACTED] had
20 gone through a bad breakup, and he told Lieutenant [REDACTED] that Ms. [REDACTED] had falsely
21 accused some guys of raping her [RT 7/25/17, 82:21-24].

22 During his subject interview, Appellant testified:

23 I loved [REDACTED] I was, you know, I took care of her. She had a lot of issues and
24 I cared for the girl. I did everything I can to help her. I fixed her credit. I got
25 her out of her parents' house. I got her an apartment. I would buy, I catered to
26 this girl and I fell for her, you know, down the road. Initially, I didn't really,
27 initially, she didn't grow on me until later where she came to me and said she
was broken and she was, you know, molested and she said she was raped, you
know, so I felt sorry for her and I wanted to help her... [DX 17, page 34]

28 ¹³ Sometime between December 27, 2014 and when Appellant was relieved of duty in
July of 2015.

1 If in fact Ms. [REDACTED] confided in Appellant that she had been raped, Appellant's
2 decision to weaponize that information and accuse her of making a false rape allegation is
3 despicable and unconscionable. At no time during his subject interview did he say that he
4 believed she falsely accused someone of rape. He expressed sympathy and love for her.
5 Clearly, his telling Lieutenant [REDACTED] that Ms. [REDACTED] had falsely accused someone of raping
6 her was a deliberate attempt by him to unfairly damage her reputation and undermine her
7 credibility.

8 **E. Appellant's Explanation for the Damaged Bedroom Door is Unbelievable**

9 Ms. [REDACTED] testified that her bedroom door was damaged on September 1, 2014, when
10 Appellant attempted to force his way into her bedroom after he strangled her. Although Ms.
11 [REDACTED] opted not to report this incident, she took pictures of both her injuries and damage to the
12 door immediately after it occurred. During his subject interview, Appellant acknowledged
13 seeing this damage to her door, but claimed that it was caused by a cat toy getting stuck under
14 the door [DX 17, page 18]. His explanation is patently unbelievable. If a cat toy caused the
15 damage, it makes no sense that Ms. [REDACTED] would have taken a picture of it and then used it to
16 make a false allegation against Appellant. Ms. [REDACTED] explanation for how the door was
17 damaged and why she photographed it is far more believable.

18 **F. There is No Evidence That Appellant was Trying to Retrieve County Property**

19 During his questioning of witnesses, Appellant's counsel has suggested that on
20 December 27, 2014 Appellant was actually knocking on Ms. [REDACTED] door in order to retrieve
21 County property he left inside her apartment, and not attempting to pry the door out of the
22 track. Unfortunately, there is absolutely no evidence to support that. At no time do you hear
23 Appellant on video asking Ms. [REDACTED] to give him his property. Even in his subject interview
24 Appellant only claims that his backpack and keys were in the apartment. He did not say he
25 was concerned about his gun, badge, or any other property belonging to the Department.

26 ///

27 ///

28 ///

**A NEGATIVE INFERENCE MUST BE DRAWN FROM APPELLANT'S
FAILURE TO TESTIFY**

The United States Supreme Court has held that the “right to remain silent” afforded defendants in criminal matters (which forbids a negative inference from being drawn for the exercise of the *right* not to testify) does not exist in civil proceedings. In fact a ***negative inference*** can appropriately be drawn when an Appellant “refuse[s] to testify in response to probative evidence offered against [him]...” [Szmaczarz v. State Personnel Board, 79 Cal.App.3d 904, page 919, quoting from Baxter v. Palmigiano (1976) 425 U.S. 308]. The Department is asking that a negative inference in fact be drawn from Appellant’s failure to testify as “a realistic reflection of the evidentiary significance of [Appellant’s] choice to remain silent” [Szmaczarz at 919].

DISCHARGE IS THE ONLY APPROPRIATE DISCIPLINARY PENALTY

In the State of California, it is recognized that “[a] trustworthy police force is a precondition of minimal social stability in our imperfect society.” [Shields v. Burges (1988), 7th Cir.) 874 F.2d 1201, 1204.] Further, “[t]he public, including fellow law enforcement agents, expects that police officers will not violate the laws they are charged with enforcing.” [United States v. Lamb 1993, 7th Cir.) 6F.3d 415, 419.]

¹⁴ Civil Service Rule 4.11.

1 Moreover, it is established that “peace officers must conduct their personal lives in a
2 manner that is beyond reproach” and “disrespectful and danger-inciting behavior should not be
3 tolerated”. [Richardson v. City and County of San Francisco (2013) 214 Cal.App.4th 671, 700.]
4 Our courts have also consistently emphasized that “an officer’s actions must be above
5 reproach” [Flowers v. State Personnel Board (1985) 174 Cal.App.3d 753, 759] and a law
6 enforcement agency “must have total confidence in the behavior of their officers” [Fout v.
7 State Personnel Board (1982) 136 Cal.App.3d 817, 821]. Further, “[p]olice officers are
8 routinely disciplined for off-duty conduct that is inconsistent with their special obligations.”
9 [People v. Owens (1997) 59 Cal.App.4th 798, 803].

10 A review of the evidence at the hearing establishes that Appellant did *not* conduct
11 himself in a manner the public or Department expects of a law enforcement officer.

12 The County of Los Angeles Civil Service Rule 18.02A specifically provides for a
13 permanent employee being discharged. Rule 18.031 states that “[g]rounds for discharge...may
14 also include any behavior or pattern of behavior which negatively affects an employee’s
15 productivity or which is unbecoming a county employee or any behavior or condition which
16 impairs an employee’s qualifications for his or her position for continued county employment.”
17 This Rule also provides that “...such grounds may include failure to exercise sound
18 judgment...” which, the Department submits, is very applicable here.

19 After considering the facts overwhelmingly established by the credible evidence, the
20 Department has proven every allegation charged. The Appellant’s conduct did not conform to
21 Department’s expectations, and Appellant has refused to accept responsibility for his conduct.
22 Assistant Sheriff [REDACTED] appropriately considered the various factors in aggravation and
23 mitigation. He considered Appellant’s tenure, experience and performance. His decision to
24 discipline was based on a careful assessment of the evidence and the Department’s established
25 *Guidelines*. Absent extenuating circumstances, Department policy mandates discharge for
26 making false statements during a departmental investigation. Society cannot countenance a
27 law enforcement officer who lies. No extenuating circumstances exist which would warrant
28 anything less than discharge. Appellant committed multiple acts of misconduct, and then

1 repeatedly lied during his subject interview, even after being shown video evidence which
2 disproved his explanations. Appellant has violated the trust of the County and Department,
3 and discharge is the only appropriate disciplinary penalty.


4 XI.

5 CONCLUSION

6 The Department, through the credible testimony of witnesses and the documentary
7 evidence, has more than satisfied by a preponderance of the evidence the facts that formed the
8 basis for the discharge of Appellant. Furthermore, the Department has established by a
9 preponderance of the evidence the appropriateness of the discipline. Therefore, the
10 Department respectfully requests a finding that the allegations contained in the Appellant's
11 Letter of Imposition are true and the discharge of Appellant was appropriate.

12
13 DATED: November 27, 2017

JIM McDONNELL,
SHERIFF

14
15 By: 
16 CHRISTINE ROAM, Sergeant
17 Advocate for Respondent,
18 COUNTY OF LOS ANGELES
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27
28

1 Michael A. Goldfeder (SBN: 162381)
2 Attorney at Law
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6 Attorney for Appellant,
7 Caren Mandoyan

RECEIVED
LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

NOV 27 2017

BEFORE THE CIVIL SERVICE COMMISSION
FOR THE COUNTY OF LOS ANGELES

9 **IN THE MATTER OF THE DISCHARGE OF**
10 **CAREN MANDOYAN**

CASE NO: 16-276

Assigned to: Joseph Scully,
Hearing Officer

Date: July 24, 25, 26,
September 27, 29, 2017

Time: 9:00 a.m.
Place: Room 522

CAREN MANDOYAN'S CLOSING
ARGUMENT

/ Discharge Date: September 14, 2016

APPELLANT'S INTRODUCTORY ARGUMENT

19 When not just one, but two, highly experienced DDA's from the Los Angeles County
20 District Attorney's Office Domestic Violence Unit declined and chose not to file any criminal
21 charges based on the extremely stale allegations manufactured by Deputy Sheriff [REDACTED]
22 [REDACTED] the Respondent should have instantly yielded to that sound determination. Instead of
23 failing to heed the clear and obvious message those 52-years of collective prosecutorial
24 experience suggested and underscored in their well thought out and reasoned decision not to
25 file any criminal charges against Deputy Sheriff Caren Mandoyan, the Respondent took an
26

1 entirely misguided and twisted path by arrogantly concluding that they knew more than two
2 expert and highly seasoned DV Prosecutor's; DDA Linda Lotfield SBN 127507, and DDA
3 Jamie Garrison, SBN 157070 [Department's Exhibit 6: Page-13]

4 Even Inspector Clouseau of the Pink Panther Movie series would have rightfully
5 deduced after listening to the incessant giggling and salty language of Deputy Sheriff [REDACTED]
6 [REDACTED] in her Interview with Detectives Danowitz and Humphrey from the El Segundo Police
7 Department ("ESPD") that there never was any crime at all. It was all just a joke. How any
8 rational individual could conclude otherwise after listening to her constant laughter and great
9 glee on display while having a captive audience attending her make believe fantasy is
10 tragically pathetic. Yet Sergeant [REDACTED] [REDACTED] of the Respondent's IAB Unit decided to
11 pursue a case that never was with absolute gusto. Forget the reality that this was a non-existent
12 event concocted by a very troubled individual as it was devoid of any genuine or legitimate
13 facts from the beginning. But Sergeant [REDACTED] [REDACTED] chose to put into action this utterly
14 fictitious spectacle by using the age old formula: "*Falsehood flies, and the Truth comes*
15 *limping after it.*"

16 The DDA's from the LA County District Attorney's Officer figured out the true
17 machinations of this [REDACTED] [REDACTED] scam faster than the speed of light and did so without the
18 volumes of additional information presented to the Respondent that exposed [REDACTED] [REDACTED]
19 contrived charade. In fact, the singular, obvious, and only reasonable conclusion that could be
20 drawn from that ESPD Interview of Deputy Sheriff [REDACTED] [REDACTED] is that this was nothing more
21 than her version of *Domestic Vengeance*. A tool for a dissatisfied or annoyed individual in a
22 relationship who then solicits professional law enforcement officers and Detectives under false
23 pretenses as their personal weapon of choice in order to inflict wrath on a former dating
24 partner, commonly known as *Domestic Revenge*.

25 Casting aside for the moment that a blatantly false and contrived police report was
26 made by Deputy Sheriff [REDACTED] [REDACTED] a ten (10) year veteran of the Los Angeles County

1 Sheriff's Department who certainly ought to know better, but the actions undertaken by the
2 world's largest Sheriff's Department ("Respondent") through their IAB Unit against the
3 Appellant, Deputy Sheriff and Field Training Officer ("FTO") Caren Mandoyan can only be
4 described as shameful. It became patently obvious throughout these proceedings that the IAB
5 Investigator Sergeant, now Lieutenant, [REDACTED] conducted: "*a shoddy, one sided, and*
6 *incomplete Investigation.*" His candid admissions when testifying under cross-examination.
7 But the lengths he and the Respondent went to in trying to smear the sterling reputation of a
8 stalwart Deputy Sheriff and FTO like Caren Mandoyan is outlandish.

9 Point in fact is the obviously skewed and completely jaundiced photograph of a sliding
10 glass door that Sergeant [REDACTED] so proudly took himself but is all but unrecognizable.
11 [Department's Exhibit 25: Page-55] One would expect that any Investigation ought to be
12 conducted professionally and honorably by gathering all of the relevant evidence and pertinent
13 documents so that a finder of fact can engage in a legitimate *search for the truth*. Because of
14 this complete lack of integrity, the Appellant was improperly tasked with having to provide the
15 Hearing Officer with the plain unvarnished truth by introducing clear-cut decipherable
16 photographs of that very same sliding glass door for proper context. (Appellant's Exhibit 52:
17 Pages-3, 4) Unfortunately, when evidence is intentionally altered by the IAB Investigator,
18 along with crucial pages omitted from a TRO Superior Court Filing that were deliberately
19 extracted by the Advocate for the Respondent in their very own document, [Department's
20 Exhibit 21: TRO] it simply erodes and eliminates all integrity from not only the IAB
21 Investigation itself, but cripples and undermines the Civil Service proceedings by offending
22 Due Process as a result. Despite the Respondent's flagrant redaction of Superior Court
23 Records Filed and available to the Public, the Appellant once again was forced to overcome the
24 Integrity deficit that infected this IAB investigation from its inception, then compounded by
25 the brazen and deceitful Advocacy shenanigans in shredding those crucial materials to avoid
26 them from being provided to the Hearing Officer. Fortunately, the Appellant recognized these

1 *corrosive litigation tactics* in advance by procuring and presenting those crucial missing pages
2 from [REDACTED] TRO that were subsequently marked and admitted into evidence at the
3 Hearing as **Appellant's Exhibit 60: Pages-1, 2.**

4 Such antics by the Respondent's Advocate in *sanitizing* a handcrafted document filed in
5 the Superior Court by Deputy Sheriff [REDACTED] and then intentionally removing pages
6 from that legal pleading is *misconduct sanctionable as evidence tampering* that was purposely
7 being done in order to mislead the Hearing Officer. Such a contemptible offense would result
8 in an immediate referral to the State Bar of California for Discipline if done by an actual
9 Attorney. Moreover, the Respondent churned up an absolutely fabricated case of *dating drama*
10 which is a pathetic excuse to terminate a hard working FTO. Even more shocking was the
11 insinuation that permeated this Hearing with no basis in fact regarding the Appellant's FTO
12 assignment at South Station that he recognized with pride in accomplishing such a Nobel
13 achievement by implementing the unit's mascot as skin art. Given that the question of a
14 "*station tattoo*" was incessantly brought up multiple times by the Respondent when it was not
15 even a charge being asserted in their letter of imposition, [Department's Exhibit 3]
16 illuminates their real motive in proceeding with an absolutely meritless case of *dating drama*,
17 and thereby exposing their true and ulterior motive with a termination case that they
18 themselves knew was a fraud from day one but callously pursued it solely because the
19 Department's Advocate unilaterally felt the Appellant is part of a "*clique*." A meritless
20 allegation that has no factual basis which explains why it was never brought as an actual
21 charge against the Appellant as there is no policy violation. But instead, the Respondent went
22 to great lengths to create a *hostile misperception* and thereby *stain* Deputy Mandoyan with the
23 *stigma of intolerance* in a resolute effort to *bias* the Hearing Officer against him. What's
24 crystal clear though is that once the Respondent's case started to fall completely apart with
25 their very first witness, IAB Sergeant [REDACTED] and the contrived charges they brought
26 were receiving no better traction with their subsequent witnesses, they quickly retreated and

1 began engaging in a cowardly smear campaign by tarring the Appellant with as broad a bush as
2 they could find in the hopes of salvaging something from their futile efforts.

3 Which now illustrates why the Department's Advocate would *coach* [REDACTED] [REDACTED] for
4 six (6) hours given that her false police report was summarily rejected by the DA's Office who
5 correctly concluded her salacious claims were unimpressive. More disturbing though is the
6 *smoke and mirrors* stratagem undertaken by the Department's Advocate and IAB Sergeant
7 who engaged in unprecedented *evidence destruction and manipulation* that completely
8 highlighted their dishonest and malicious production. After that parlor trick didn't go as
9 planned they fell back into their old habits by asking Lieutenant [REDACTED] assigned to
10 Homicide Bureau if he was aware that the Appellant had a "Reaper" tattoo? At which point
11 the Hearing Officer inquired of Lieutenant [REDACTED] "What would be his impression of someone
12 who had a "Reaper" tattoo?" To which Lieutenant [REDACTED] replied: "It would mean that
13 individual worked a long time at Lennox/South LA Station and that they were a *hard worker*."
14 That completely halted their nonsensical issue regarding the Appellant's *innocuous skin art*.

15 As will be addressed in greater detail *infra*, the patently make-believe false domestic
16 abuse initiated by [REDACTED] [REDACTED] at the sole behest of the LASD in order to bolster her
17 meritless Policy of Equality (POE) claim that also fell short of the mark, as did her TRO
18 Application she voluntarily and swiftly dismissed on her own accord, was nothing more than
19 her illusory *dating drama revenge* that she was desperately trying to transmute into a reality
20 show for the Respondent and their IAB Sergeant who himself was unable to distinguish
21 between: "*Lies and Damn Lies*."

22 APPELLANT'S SUMMARY OF WITNESS TESTIMONY

23 IAB Sergeant/Lieutenant [REDACTED] [REDACTED]

24 The first witness called by the Respondent, Sergeant [REDACTED] [REDACTED] was the
25 individual responsible who handled the IAB Investigation involving [REDACTED] [REDACTED] dubious
26 allegations. Essentially all Sergeant [REDACTED] did was interview various witnesses brought to

1 his attention by the complaining witness in this case, Deputy Sheriff [REDACTED] [REDACTED] Other than
2 *spoon feeding* these individuals leading questions in his purported interviews, no actual
3 investigation ever occurred to corroborate or refute any information provided by [REDACTED]
4 [REDACTED] co-workers and friends. In fact, Sergeant [REDACTED] assiduously avoided doing any
5 follow up on the obvious flaws and glaring inconsistencies the size of lunar craters with all of
6 these witnesses' testimony, especially [REDACTED] [REDACTED] Here are some of the more noteworthy
7 examples of the massive deficiencies with his *extremely incompetent investigation*:

- 8 1. He *never interviewed Lieutenant Wiard* who [REDACTED] [REDACTED] first contacted about
9 these made up claims on June 23, 2015 and had him fill out for her the Policy of
10 Equality ("POE") Form. (**Appellant's Exhibit 60: Pages-1, 2**). Had he bothered
11 to engage in any rudimentary follow up and conduct an actual investigation with
12 Lieutenant Wiard regarding that POE document he could have asked him: "Why is
13 there nothing about alleged domestic violence ("DV") contained in that POE
14 document? Did [REDACTED] [REDACTED] ever mention DV?; Did [REDACTED] [REDACTED] provide you
15 the information regarding *dating/co-habiting relationship that ended in December*
16 *2014?*; Did you ever ask [REDACTED] [REDACTED] to provide her cell phone and text records to
17 establish that she was *contacted numerous times via text and phone?*; Did you ask
18 [REDACTED] [REDACTED] to provide the names of: "*contacted co-workers of Amber [REDACTED]*
19 *attempting to keep track of [REDACTED] while she was working?*;
20 2. Or do any follow-up at all on the obviously contrived and nonsensical entry in the
21 POE document whereby [REDACTED] [REDACTED] asserted: "Carl Mandoyan said he called
22 friends at SVB ("Special Victim's Bureau") preventing [REDACTED] [REDACTED] from getting
23 a position at SVB? ([REDACTED] [REDACTED] stated she missed the filing deadline for SVB
24 and therefore did not put in an application for the position.)" Did Sergeant [REDACTED]
25 ever inquire of anyone at SVB? Wouldn't that have put to the test [REDACTED] [REDACTED]
26

grandiose assertion that Deputy Mandoyan knew people in high places in the Department?;

3. Never made any effort to obtain "MDT" Logs (Mobile Data Transmissions) from West Hollywood Station ("WHD") to authenticate the obvious nonsensical event claimed by [REDACTED] and reported to ESPD Officer Marco Lemus on July 14, 2015: "On one occasion, while they were both on duty, he took her unit keys and left. The victim was stranded and unable to respond to a potential call."

[Department's Exhibit 6, Page-3];

4. Nor bothered to do any follow up when Deputy [REDACTED] further embellished that fake story in her next interview with Detectives Danowitz and Humphrey from the ESPD on July 20, 2015 when she said: "...And he did. He came out there, and he friggin' wiggled out because I wouldn't give him my cell phone. And so he...There's nothing on it. Like, Dude, what is your problem? So he took the keys out of my radio car...I was left with my radio car in a parking lot with no keys...I want to say like maybe like 15, 20 minutes... Well, I typed one of my partners and said: "Hey, do you have an extra key? An extra set of keys?" [Department's Exhibit 5, Pages-4, 5];

5. Then when IAB Sergeant [REDACTED] was interviewing Deputy Sheriff [REDACTED] himself for her first IAB interview, which was now the *third iteration* of this: "Taking the keys from the ignition of my radio car story," she mentions for the *very first time* that she had typed: "[REDACTED] for the extra set of keys. And you said by the time he had replied to you..." "Yeah, I already had my stuff back, so."

[Department's Exhibit 7, Pages-9 through 13] Shockingly, even while in possession of three (3) fluctuating versions of this manifestly false event, Sergeant [REDACTED] never bothered to obtain any of the MDT Logs between Deputy Sheriff [REDACTED] and Deputy Sheriff [REDACTED] to corroborate or refute this

absurd occurrence. His excuse made while testifying at the Hearing was: "He didn't have the date of the event (Surprisingly neither did [REDACTED] to go retrieve those records because the Department has an *old dot matrix system*." Last I checked *dot matrix* was a printing application, not a software program for recovering MDT Logs.

6. Even Sergeant [REDACTED] obviously didn't believe the underpinnings of this *fish tale* otherwise he would have asked [REDACTED] whether or not Caren Mandoyan was "ON DUTY" or "OFF DUTY" in any of these three sham stories that were being told to "four" different individuals on three occasions: ESPD Officer Marco Lemus; ESPD Detectives Danowitz and Humphrey; and now IAB Sergeant [REDACTED] *But searching for the truth was never his agenda.*
7. Why didn't Sergeant [REDACTED] obtain the GPS records from Deputy Mandoyan's assigned patrol vehicle at Lennox/South LA Station to ascertain if he ever was in West Hollywood jurisdiction as opposed to being his mandated patrol area? Given that FTO Mandoyan was training newly assigned patrol trainees wouldn't that have been another resource to refute this fictional story by [REDACTED] Any reason that wasn't done by Sergeant [REDACTED] Probably because a *Hard Worker* would never be engaged in such an impetuous frolic as he's too busy attending his patrol assignment at Lennox/South LA Station!
8. Never did any follow up investigation with the purported Landlord of Deputy Sheriff [REDACTED] to ascertain if the statement she ([REDACTED] made in her IAB interview on June 24, 2016 was also a lie: "After that incident, my landlord came to my house and said she got a lot of complaints from the other tenants and she said, you know, if something like this happens again, I'm going to have to ask you to move out..." [Department's Exhibit 7, Page-47]

1 9. Nor did Sergeant [REDACTED] conduct any follow up investigation with the purported
2 Landlord of Deputy Sheriff [REDACTED] [REDACTED] to ascertain if the statement she [REDACTED]
3 made in her IAB interview on June 24, 2016 was yet another acute lie; Did you
4 have to pay to have that door repaired? "It was taken out of my security deposit."
5 Would any landlord make a real crime victim pay for damage caused by a suspect?
6 Did [REDACTED] [REDACTED] tell her Landlord she had made a police report? What did
7 [REDACTED] [REDACTED] say the reason was for this damaged door? Why not ask her
8 landlord? Was Sergeant [REDACTED] afraid that answer would destroy the credibility
9 of [REDACTED] [REDACTED] [Department's Exhibit 7, Page-47] Isn't Sergeant [REDACTED]
10 supposed to be conducting an honest investigation? Why not find out answers to
11 these questions from the individuals purportedly making them as opposed to relying
12 on multiple hearsay from an integrity challenged "Con Artist?" (Lieutenant
13 Haselrig's description of [REDACTED] [REDACTED] Isn't that how a proper investigation is
14 done?

15 10. Sergeant [REDACTED] after being provided the "anonymous" text messages from the El
16 Segundo Police Department and going over them with [REDACTED] [REDACTED] didn't follow
17 up at all on the connection between [REDACTED] [REDACTED] and the fact that
18 [REDACTED] had contacted [REDACTED] [REDACTED] out of the blue years later to tell her ([REDACTED]
19 [REDACTED] that she ([REDACTED] was now dating Deputy Mandoyan. Why not explore
20 that odd circumstance? [Department's Exhibit 7, Pages-72 through 76] Even
21 odder was the fact [REDACTED] [REDACTED] had [REDACTED] serve Deputy Mandoyan with a TRO
22 while "[REDACTED] watched from down the street." Wasn't that part of [REDACTED] [REDACTED]
23 Domestic Revenge? Why not have the ESPD serve Deputy Mandoyan? If [REDACTED]
24 [REDACTED] was afraid of Deputy Mandoyan why be in the same proximity when he was
25 being served by another ex-girlfriend? What was the point of that? Didn't this
26 bizarre scenario cause Sergeant [REDACTED] to realize that perhaps this was all a ruse?

1 A scam? Grade School Retaliation? Joint ex-girlfriends getting even with a
2 common ex-boyfriend? But the fact Sergeant [REDACTED] a week later when he
3 interviewed Sergeant [REDACTED] [REDACTED] on June 30, 2016 regarding the derogatory
4 text message she received regarding her fiancée (Deputy [REDACTED] [REDACTED] having a
5 three-way sexual tryst with [REDACTED] [REDACTED] and another male deputy, why didn't he
6 ever bring up the name [REDACTED] [REDACTED] [REDACTED] Why didn't he ever Investigate
7 any relationship or possible connection with [REDACTED] and anyone else in this case?
8 Wasn't he even curious about that connection? Didn't he find it odd that [REDACTED]
9 [REDACTED] would receive an *anonymous text* message from someone she doesn't
10 even know (Mandoyan)? Isn't that what competent Investigators are tasked to do?
11 Ask the logical fact finding questions? When Sergeant [REDACTED] was asked about
12 whether she knew [REDACTED] [REDACTED] under cross-examination at the
13 Hearing, her facial expression showed a look of total horror and disgust then she
14 articulated: "*She was involved in all of this?*"

15 11. Then [REDACTED] went on to say in greater detail how [REDACTED] [REDACTED] had
16 entangled herself in her marriage and custody cases with her ex-husband who
17 [REDACTED] had subsequently married, and how [REDACTED] had testified in those personal
18 Family Law matters and had reason to lash out at her [REDACTED] with such a vile
19 and venomous anonymous text message. When [REDACTED] [REDACTED] said: "That she
20 [REDACTED] had to testify as a character witness for her ex-husband in court because
21 [REDACTED] was alleging a false DV on him. She said it was very upsetting because the
22 DV where [REDACTED] assaulted her ex-husband and was arrested, occurred in front of
23 her [REDACTED] son who video-taped the incident which helped her ex-husband put
24 [REDACTED] in jail with her ex-husband obtaining a restraining order against [REDACTED]
25 immediately after.

12. Yet Sergeant [REDACTED] intentionally chose not to connect these dots himself even though he was told by [REDACTED] [REDACTED] a week earlier in her IAB interview she thought it was [REDACTED] "I just, because of the, just the grammar of all these." [Department's Exhibit 7, Pages-67-68] Why not Investigate that lead too? Afraid of actually finding the truth? Why decline to follow up on leads and evidence?
13. Sergeant [REDACTED] also ignored the fact [REDACTED] [REDACTED] said in her IAB Interview: "I thought it was [REDACTED] that sent it to me..." He also ignored the further fact that when confronted in person by [REDACTED] [REDACTED] Deputy Mandoyan told her it wasn't him. [Department's Exhibit 7, Pages-65-66] Isn't an Investigator supposed to follow up on this type of information handed directly to you on a silver platter?
14. But then Sergeant [REDACTED] never did any follow up on the phone records provided to him during the interview of Deputy Mandoyan showing that he received a two (2) minute phone call from an *unavailable/blocked phone number* on July 26, 2017 with both [REDACTED] [REDACTED] and [REDACTED] [REDACTED] [REDACTED] on that call jointly laughing about the look on his (Mandoyan) face when he was served with [REDACTED] TRO by [REDACTED] (Appellant's Exhibit 50)
15. Sergeant [REDACTED] never pursued any leads when they were handed to him by Deputy Mandoyan in his IAB Interview when he was asked: And so why would she take a picture of your car? Deputy Mandoyan said: "Because she thought I was at Howl at the Moon, but I was at Saddle Ranch and she drove around and she saw my car and she took a picture of it. And I told her, I go, I'll come out of Saddle Ranch. I was there with a friend of mine and so we came out, she talked, we talked a little and hung out and then we left." Who was the friend that you were there with? "[REDACTED] [REDACTED] Is he Department Member? "Yes..." Where does [REDACTED] work? "South LA." [Department's Exhibit 17, Pages-61-62]

1 16. Sergeant [REDACTED] purposely ignored doing any follow up as that would have
2 refuted this entire *taking a picture of Deputy Mandoyan's car nonsense*. Why not
3 conduct an interview with [REDACTED] [REDACTED] No doubt because it would result in the
4 truth being generated just like it was when he interviewed Deputy [REDACTED]
5 [REDACTED] who shattered the: *bogus taking my patrol car keys while on duty story* of
6 [REDACTED] [REDACTED] Why was Sergeant [REDACTED] intentionally protecting the patently
7 made up stories of [REDACTED] [REDACTED] Why obfuscate the truth? Why avoid following
8 up on real leads to get the truth? What was Sergeant [REDACTED] actual agenda?
9 Was that the Respondent's true agenda? Not to find the truth? By ignoring all of
10 these obvious leads?

11 17. Last, but certainly not least, wasn't Sergeant [REDACTED] even the least bit curious as
12 to why highly seasoned DV Prosecutor's; DDA Linda Lotfield SBN 127507, and
13 DDA Jamie Garrison, SBN 157070 immediately dropped this case? What did they
14 know? What did they suspect about the credibility of Deputy Sheriff [REDACTED]
15 [REDACTED] Did they conduct an Investigation and find out more negative information
16 about Deputy Sheriff [REDACTED] [REDACTED] making *other false reports*? Did they find out
17 her photographs were faked? They obviously figured out the videos were a hoax?
18 Did they speak to [REDACTED] [REDACTED] landlord and discovered this was all a farce?

19 To even call what Sergeant [REDACTED] attempted throughout this entire case an
20 *Investigation* defames that word.

21 [REDACTED] [REDACTED]

22 The cousin of [REDACTED] [REDACTED] who was never present for any event other than Deputy
23 Mandoyan supposedly being unhappy when [REDACTED] [REDACTED] and her were at a restaurant and a
24 milkshake was ordered. So other than *self-serving hearsay* from [REDACTED] [REDACTED] [REDACTED]
25 offered nothing of note to this Hearing, except for one monumental thing; She *too lied!* *Big*
26 *Time!*

1 Sergeant [REDACTED] interviewed [REDACTED] [REDACTED] on July 13, 2016 [Department's Exhibit
2 14, Page-6] and she said: "And I did a ride-along with her one time and he wasn't working.
3 He was off-duty at the time, and he would constantly call her and want to know where she was
4 at *and he probably showed up five or six different times during her entire shift* just to check on
5 her, see where she was at." However, when [REDACTED] testified at the Hearing she said
6 Deputy Mandoyan only showed up to have lunch with [REDACTED] and her, as [REDACTED] asked him if
7 he wanted to come over and eat with them. When [REDACTED] was asked about her previous
8 statement in her IAB interview about "*constantly call her and want to know where she was at*
9 *and he probably showed up five or six different times during her entire shift.*", she said that
10 was never said. Once she was shown her previous IAB statement she had nothing else to say.

11 However, it was interesting to also note in her interview [Department's Exhibit 14,
12 Page-3] when she said: "...or he would find a way to remotely go into her phone and delete the
13 recordings." Making Deputy Mandoyan's skill set for hacking into [REDACTED] iPhone at
14 an IT level more sophisticated than the NSA, FBI, or even Apple itself. That is if anyone were
15 to believe the testimony of an individual who lies when prompted by her Cousin, [REDACTED]
16 [REDACTED] Or perhaps that *innovative testimony* was provoked by her two sessions with the
17 Respondent's Advocate with one taking an hour and the other a mere 20 minutes.

18 Sergeant [REDACTED] [REDACTED]

19 Other than receiving a nasty anonymous text message that was subsequently found to
20 have come from [REDACTED] [REDACTED] [REDACTED] Sergeant [REDACTED] cracked the case for Sergeant
21 [REDACTED] from the witness chair when she was asked on cross-examination if she knew [REDACTED]
22 [REDACTED] [REDACTED] After the look of utter revulsion and fury that defined her face and body
23 language after hearing [REDACTED] name, she stated: "She was involved in this?" Making the
24 rest of her testimony a soliloquy on the evils and despicable conduct of [REDACTED]
25 [REDACTED] (Refer to bullet points 10, 11 under the Sergeant [REDACTED] Heading)
26 [REDACTED] [REDACTED]

1 Can best be described as: *The straw that stirs the drink*. After all, it was later
2 discovered that *she was the one sending all of the anonymous text messages*. The caustic
3 impact of those texts is what triggered the *Theater of Deception* that was launched by Deputy
4 Sheriff [REDACTED] on June 23, 2015 with her misguided POE (Policy of Equality) missile
5 that was flung in the direction of Deputy Mandoyan. All of which could have been resolved
6 and uncovered as nothing more than third grade elementary school infantile payback by
7 Deputy Sheriff [REDACTED] had there been even just a modicum of competence from the
8 IAB Investigator tasked with this incident. Like putting 2 and 2 together and coming to 4
9 when you're handed both deuces, or perhaps asking Sergeant [REDACTED] if she knew
10 [REDACTED]

11 Instead, this adolescent nonsense was pumped up like the Goodyear Blimp into the next
12 *Case of the Century* that made Alice in Wonderland and the trip down the Rabbit Hole look
13 like an Amish Buggy ride on a Sunday morning. The bulk of [REDACTED] h [REDACTED]
14 testimony consisted of: "Not that I recall; Hard time recalling; I don't recall", probably related
15 to her being on quite an array of medications that impacted her ability to remember these
16 events back when they were occurring in real time. Making it even more remarkable that she
17 was able to have enough clarity of thought to type up and send quite a few nasty and
18 derogatory text messages during those very brief and selective moments when she was lucid.
19 Although she did say in her testimony when asked on cross-examination that it: "*Was*
20 *Possible*" she sent text messages. [REDACTED] also did admit she herself was served with a TRO as
21 part of an actual DV case by her husband who coincidentally was [REDACTED] Ex.
22 Interestingly, [REDACTED] refused to answer the question as whether she was committed to a
23 psychiatric facility for a 72-hour Welfare and Institutions Code Section 5150 evaluation and
24 observation hold. Perhaps that explains her reason and motivation for sending out all of these
25 anonymous text messages.

1 While it was conclusively established that she [REDACTED] was the culprit behind all of
2 this drivel as Deputy Sheriff [REDACTED] [REDACTED] said in her interview with IAB Sergeant
3 [REDACTED] on June 29, 2016: "And then later we found out who that person was who was
4 sending those messages." Who was that? It's [REDACTED] [REDACTED] best friend that used to, well,
5 not used to, but at the time was dating Carl Mandoyan." And who was that? [REDACTED] [REDACTED]"
6 [Department's Exhibit 8, Page-7]

7 Notably, information in possession of Sergeant [REDACTED] [REDACTED] the day before he
8 interviewed Sergeant [REDACTED] [REDACTED] on June 30, 2016. [Department's Exhibit 9] But he
9 copiously chose instead to isolate this *Case Cracking* information in order to conceal the truth
10 which he had no interest in exposing, let alone finding, as it didn't suit the Respondent's
11 purposes. Because why let the truth interfere with the predetermined outcome of an IAB
12 Investigation when the Sergeant running it can censor those facts with: "*a shoddy, one sided,*
13 *and incomplete Investigation,*" since they don't fit into his agenda to terminate Deputy Sheriff
14 Caren Mandoyan from his position as a *Hard Working FTO at Lennox/South LA Station*.
15 Apparently for nothing more than having the temerity to have etched onto his skin the Station
16 Mascot for which there is no violation of policy. Nor a charge in the imposition of discipline
17 letter. Although, for some inexplicable reason it certainly offended the Respondent's Advocate
18 who kept asking about it incessantly. Again, simply appalling conduct.

19 Lieutenant [REDACTED] [REDACTED]

20 A twenty-seven (27) year veteran of the Respondent who was assigned as the Watch
21 Commander at West Hollywood Station during the time period both [REDACTED] [REDACTED] and Deputy
22 Mandoyan worked there in patrol. She was called to the stand by the Advocate for the
23 Respondent. What Lieutenant [REDACTED] had to say about [REDACTED] [REDACTED] conduct and behavior
24 from the witness stand blew a hole wider than the Grand Canyon in [REDACTED] entire make-
25 believe story about Mandoyan telling her not to go to briefings, etc. [REDACTED] said that [REDACTED]
26 [REDACTED] refused to comply with directives when she first arrived at the Station as a field trainee

1 and had an attitude. "[REDACTED] was constantly late for work and didn't get along with other
2 Deputies at the Station. She always had some personal life issues and various excuses because
3 it was always something with that girl." When asked by the Respondent the influence Deputy
4 Mandoyan allegedly exerted over [REDACTED] [REDACTED] quickly responded by saying:
5 "Deputy Sheriffs are responsible for themselves."

6 But the strongest words of Lieutenant [REDACTED] were couched in the form of her opinion
7 of [REDACTED] [REDACTED] when she unequivocally said: "[REDACTED] is not truthful or reliable." Hardly the
8 bell ringing character endorsement for an individual feigning make-believe crimes and other
9 misconduct that never in fact occurred as she [REDACTED] claimed in her false police report, POE
10 Claim, and TRO application. After Lieutenant [REDACTED] stark revelation that [REDACTED]
11 was not "Truthful or Reliable," the Hearing Officer himself asked her: "Would you say Deputy
12 [REDACTED] has an Integrity problem?" To which Lieutenant [REDACTED] said: "Yes. Definitely."

13 Lieutenant [REDACTED] also recalled an occasion when Deputy Mandoyan happened to be
14 at the Station and helping the watch deputy and [REDACTED] [REDACTED] inside the WHD Station desk
15 area during a period when it was quite hectic, she said: "While everyone appreciated Carl
16 helping us out since he was no longer assigned to WHD Station, the personnel needed to learn
17 how to do their jobs themselves." Even though Deputy Mandoyan was a very good FTO who
18 worked quite hard and did his job with the utmost of integrity, the Deputies now working at the
19 station had to learn for themselves how to handle patrol problems. She also said [REDACTED]
20 would constantly be on the phone with Deputy Mandoyan asking him how to handle calls,
21 write reports and coordinate her calls. Lieutenant [REDACTED] said she would see [REDACTED] on
22 calls for service in the field, then calling him (Mandoyan) and asking for help. [REDACTED] told
23 her that she understands Mandoyan is a good cop, but that that he's no longer here and she
24 needs to learn how to do her job herself.

25 Assistant Sheriff [REDACTED]
26

1 Was the decision maker for the Respondent who signed off on the termination
2 recommendation of Deputy Mandoyan. It was noteworthy that although he testified he
3 reviewed the entire 501-page IAB Investigation packet cobbled together by Sergeant [REDACTED]
4 for some strange reason he conceded that he didn't listen to the actual audio CD of [REDACTED]
5 [REDACTED] as she laughed, cussed, and giggled during her interview with the ESPD Detectives.
6 Nor any of the other audio CD's. When asked if that would have made a difference in his
7 decision to terminate Deputy Mandoyan he said: "No." That answer struck me as very odd
8 given that the Assistant Sheriff did say that: "Deputy Mandoyan had an impeccable record with
9 the Department. But DV cases are dangerous and volatile as guns are involved." Another
10 startling comment given the fact no weapons were alleged in this make-believe account by
11 [REDACTED] [REDACTED] but apparently the Assistant Sheriff is of the opinion that any mendacious
12 allegation brought against a Deputy Sheriff automatically invokes a *potential for violence*. He
13 too never contacted the DDA's in this case although he has the ability to do that on his own
14 accord had he chosen to do so.

15 While he made his decision to terminate based on the *words of* [REDACTED] [REDACTED] it was
16 extremely odd he added that her reputation on the Department was: "He knows that she's a bad
17 employee, has credibility issues, does not get along with her partners and sleeps around a lot."
18 Not certain how he came to his termination conclusion based on those diametrically conflicting
19 comments? Making his testimony even more convoluted when he determined that Deputy
20 Mandoyan was not honest and forthright in his IAB Interview and he believed [REDACTED] [REDACTED]
21 allegations that Mandoyan was the person sending those *anonymous text messages*. What?
22 Causing anyone to think that in addition to not listening to any of the audio CD interviews he
23 must not have read much of, or any, of the 501-page IAB file as it was conclusively
24 established by both [REDACTED] [REDACTED] and [REDACTED] [REDACTED] that [REDACTED] [REDACTED] was
25 the individual sending those *anonymous text messages*. Not Deputy Mandoyan.

1 But in the Assistant Sheriff's defense, it's highly likely that he too fell prey to only
2 reading the condensed seven (7) page IAB prefatory summary prepared by the Investigator
3 assigned to this case; Sergeant [REDACTED] And as was noted supra, the investigation work
4 product of Sergeant [REDACTED] was in his own confession from the witness chair: "*a shoddy, one*
5 *sided, and incomplete Investigation.*" Now we know so too was the decision to terminate
6 Deputy Sheriff Mandoyan based on not even scant evidence, but no evidence at all. Evidently,
7 Deputy Mandoyan by asserting the truth that none of these fabrications claimed by [REDACTED]
8 [REDACTED] ever occurred, in the opinion of both Sergeant [REDACTED] and Assistant Sheriff [REDACTED]
9 [REDACTED] that *ipso facto* makes Deputy Mandoyan not credible and ends up with the
10 unfathomable inclusion of further additional and baseless charges of *making false statements in*
11 *an IAB Investigation.* A position that makes absolutely no sense as it would be no different
12 than anyone in criminal court saying *Not Guilty* when entering a plea at Arraignment, then
13 moments later being instantly charged with *False Statements.* Quite the ludicrous scenario
14 being asserted here by the Respondent.

15 Which really calls into question not only the investigation undertaken by Sergeant
16 [REDACTED] that was in his own adoptive admission from the witness chair: "*a shoddy, one sided,*
17 *and incomplete Investigation.*", but apparently the conclusion of Assistant Sheriff [REDACTED] was
18 of similar vintage. Leaving the only question remaining: What was the real reason for the
19 termination of Deputy Mandoyan? It certainly cannot be for anything associated with Sergeant
20 Smeltzer's "*a shoddy, one sided, and incomplete Investigation.*" As that was exposed during
21 this Hearing as a total abomination. Leaving by deduction the only remaining possibility that
22 even though there is no policy violation in the letter of imposition [Department's Exhibit 3]
23 like discharging a firearm while inebriated, having hair too long, or an impermissible beard
24 while on duty in uniform, it can only be for having a station mascot as skin art. A somewhat
25 plausible yet nonsensical theory based on the incessant questioning by the Respondent's
26 Advocate on this trifling matter.

1 Since the Respondent could never properly discipline a Deputy Sheriff for having *skin*
2 *art* that reflects a Departmental Station Mascot, the letters L.A.S.D., or the LASD Star itself,
3 they utilized this fictitious DV case and anonymous texts messages as a subterfuge to terminate
4 Deputy Mandoyan for literally having *Departmental skin art*. An offense that doesn't even
5 exist in the Respondent's Manual of Policy and Procedures, and certainly wasn't a charge in
6 this case as it never could be a viable charge. Consequently, the decision by Assistant Sheriff
7 [REDACTED] cannot be upheld based on the result of IAB Sergeant [REDACTED] "*a shoddy, one*
8 *sided, and incomplete Investigation.*", that was exposed as an utter sham and decimated at this
9 Hearing.

10 **Deputy Sheriff [REDACTED]**

11 Was a Deputy Sheriff assigned to West Hollywood Station at the same time [REDACTED]
12 [REDACTED] worked there. He provided nothing in the way of testimony that would further assist the
13 finder-of-fact in this case as everything he knew was told to him by [REDACTED] [REDACTED] Therefore,
14 it's all self-serving hearsay. But he did add a very important component of information into
15 this case that cannot go unnoticed; he too was a *lousy liar*. His first lie, but certainly far from
16 his biggest, was when he said: "His wife (Sergeant [REDACTED] [REDACTED] and [REDACTED] knew each
17 other and never had any issues." Not so according to the testimony and facial expressions of
18 [REDACTED] [REDACTED] when she heard the name; [REDACTED] [REDACTED] [REDACTED] To say the least.

19 But Deputy [REDACTED] next preposterous lie would even make Geppetto cringe and cause
20 Pinocchio's nose to shrink when he had the *unmitigated gall* to say that: "[REDACTED] [REDACTED] *had a*
21 *highly regarded reputation by the West Hollywood Station Master FTO Saavay, and was a go*
22 *to person for new trainees at West Hollywood Station.*" Possibly only exceeded by his next
23 equally astonishing lie when he said that: "He's never seen or read the *anonymous text message*
24 that was sent to his fiancé, now wife, Sergeant [REDACTED] [REDACTED] accusing him [REDACTED] and
25 another male deputy of having a three-way sexual tryst with [REDACTED] [REDACTED] Fortunately, the
26

1 testimony of Deputy [REDACTED] concluded at that point before any further prevaricator statements
2 were spoken while under oath to tell the truth.

3 The only constant throughout the course of these proceedings was the brazenness of the
4 Respondent's witnesses (other than Lieutenant [REDACTED] and Sergeant [REDACTED]
5 to deceive, fabricate, and just outright lie. Apparently the oath taken at this Civil Service
6 Hearing doesn't have the same force and effect of one taken before a Judge wearing a Black
7 Robe in the Superior or Federal Court. A sad reality but reflective of the individuals called to
8 testify by the Advocate for the Respondent obviously not taking these proceedings seriously.
9 Was it the result of all of the time spent by the Respondent's Advocate *coaching* these
10 witnesses? Or perhaps they do the exact same thing when they go to the other courthouses?

11 **Lieutenant [REDACTED]**

12 Was a witness called out of order by the Appellant for scheduling accommodation
13 based on her Departmental duties. She is a twenty-nine (29) year veteran of the LASD
14 working herself as an FTO at Carson Station and also as a Staff Drill Instructor ("DI") at the
15 Sheriff's Training Academy from 1997-2000. She was a Lieutenant at West Hollywood from
16 2007-2013 where she was a shift Watch Commander and supervised both Deputy Mandoyan
17 and [REDACTED] in that capacity. Lieutenant [REDACTED] said that Deputy [REDACTED] was
18 "*Salty*" and not loyal to the LASD." As harsh as that comment was toward the character of
19 Deputy [REDACTED] it paled in contrast to the Lieutenant's next statement when she was
20 asked her opinion regarding [REDACTED] and she responded by saying: "*She's a Con Artist.*"
21 The Hearing Officer inquired Sua Sponte asking her ([REDACTED]) what she meant by the phrase:
22 "*She's a Con Artist.*", and she said: "Someone who would do anything to get what they
23 want."

24 Lieutenant [REDACTED] on re-direct in response to the charges related against Deputy
25 Mandoyan under charge 3 (a), (b), (c) of the Letter of Imposition [Department's Exhibit 3,
26 Pages-3, 4] that he: "...brought discredit upon yourself and/or the Department as evidence by,

1 but not limited to; (a) being named as a Domestic Violence/Stalking suspect in an El Segundo
2 Police Department Crime Report (# 15-1659) and/or, (b) having a domestic violence
3 restraining order filed against you (North Valley District Chatsworth Courthouse under case #
4 [REDACTED] and/or, (c) failing to notify your immediate supervisor and/or watch commander
5 that you were served, and named in, a domestic violence restraining order. The order restricted
6 your ability to possess firearms," Haselrig said: "The LASD was embarrassed by a false report
7 and false TRO made by Deputy Sheriff [REDACTED] [REDACTED] "She's a Con Artist."

8 Moreover, given that Deputy Mandoyan was already relieved of duty ("ROD") by the
9 Respondent back on July 10, 2015, and he wasn't served with the [REDACTED] [REDACTED] TRO by
10 [REDACTED] [REDACTED] [REDACTED] until July 22, 2015 [Department's Exhibit 17, Pages-40, 41] and
11 promptly thereafter turned over all of his "personal" firearms in the field to the El Segundo
12 Police Officers at the scene, (Appellant's Exhibit 51) then immediately called his union
13 attorney to advise her of that event, who in turn contacted the Respondent, none of these
14 charges have any vitality.

15 When asked whether or not a Deputy Sheriff is responsible for all county property
16 issued to them when they're hired, specifically their Flat Badge Identification Credentials and
17 Duty Firearm, Lieutenant [REDACTED] said: "Yes they are." When she was presented with the
18 situation that Deputy Mandoyan faced when [REDACTED] [REDACTED] locked him out of her apartment
19 while he (Mandoyan) still had inside her residence a backpack containing his County Flat
20 Badge, Duty Firearm, and car keys, how she [REDACTED] would handle that situation she said
21 quite candidly: "Those are affairs of the heart", and when she was a Deputy Sheriff she would
22 have exhausted all efforts to recover those county items herself including banging loudly on
23 the door and making noise prior to involving law enforcement and/or her own Department.
24 Today as a Lieutenant if a similar situation was presented to her she might respond differently.
25 However, it's still "an affair of the Heart."

1 She also spoke extremely highly of Deputy Mandoyan saying he was an excellent FTO,
2 always spending time helping other Deputy Sheriff's learning how to do their jobs better, and
3 was a person who had extraordinary Integrity. When asked on cross-examination by the
4 Respondent if her impression of the Appellant would change if she knew Deputy Mandoyan
5 was terminated for policy allegations such as DV, stalking, etc.? [REDACTED] said: "No, because I
6 know it's not him and definitely not his character. I wouldn't believe those allegations."

7 Deputy Sheriff [REDACTED] [REDACTED]

8 Was another witness called out of order by the Appellant and after the direct testimony
9 of [REDACTED] [REDACTED] concluded with insufficient time remaining that afternoon for her cross-
10 examination. [REDACTED] [REDACTED] has been a Deputy Sheriff since 2005 and worked patrol at the
11 Lennox/South LA Station when Deputy Mandoyan had transferred to that facility and they
12 became friends. He testified that Deputy Mandoyan had called him up on an occasion in 2013
13 and asked him if he wanted to go to Universal City Walk to a restaurant called *Saddle Ranch*.
14 [REDACTED] agreed and since he lived in the Hollywood area and Universal City Walk was also
15 located in Hollywood, Deputy Mandoyan said he would pick him up as he was driving there
16 from El Segundo and it didn't make sense for both of them to drive their cars. After they were
17 at Saddle Ranch for several hours, Deputy Mandoyan received either a phone call or text from
18 his girlfriend ([REDACTED] [REDACTED]) who was a Deputy Sheriff that worked at Universal City Walk.
19 [REDACTED] said she saw his (Mandoyan) vehicle in the Universal City Walk parking lot while she
20 was doing patrol checks and wanted to know what he was doing there. [Department's Exhibit
21 19, Page-9, Photograph of Mandoyan's Red Lexus] Mandoyan said he was at Saddle Ranch
22 having dinner and a few drinks with a Lennox/South LA Station Deputy. [REDACTED] [REDACTED] met
23 up with both Deputies Madoyan and [REDACTED] later that night in the parking lot where he
24 introduced the two of them and they all talked together for about 45 minutes and even had a
25 cigarette.

1 Not surprisingly, no mention was made by Christian [REDACTED] when he was at Universal
2 City Walk with Deputy Mandoyan for dinner and drinks of any purportedly *Fast and Furious*
3 auto maneuvering on the freeway chasing down [REDACTED] [REDACTED] prior to Deputy Mandoyan
4 dropping him off back at his residence in Hollywood.

5 It was likely this was the occasion that [REDACTED] [REDACTED] had taken the photograph of
6 Deputy Mandoyan's Lexus for some unknown and bizarre reason. (Much like her Felony
7 crime recording a phone conversation without his knowledge or consent also in 2013) But it
8 became quite apparent when she used this photograph as a *prop* in her initial July 14, 2015
9 fabricated police report with the ESPD years later when she falsely claimed: "In January of
10 2015 (unknown date), Mandoyan arrived at her work in Universal City. She left work early as
11 soon as she realized he was there waiting for her." [Department's Exhibit 6, Page-4] Not
12 surprisingly, [REDACTED] [REDACTED] told another variant of this concocted lie about a week later on July
13 20, 2015 in her subsequent interview with Detectives Danowitz and Humphrey of the ESPD
14 when she said: "He followed me home from work. So he actually went to work. And he was
15 drinking up at Universal. And I had just left work early at 3:30. I was supposed to get off at
16 4:00. I left at 3:30 just so I didn't have to deal with him like on the freeway. And when he
17 realized I left, he just raced off obviously. Because I was only able to get..." [Department's
18 Exhibit 5, Pages-15, 16]

19 Then [REDACTED] [REDACTED] offered yet another *third version* of this fictional account when she
20 was interviewed on June 24, 2016 by IAB Sergeant [REDACTED] [REDACTED] when she stated: "Well he
21 showed up at my work wanting to talk." At West Hollywood, right? "Yeah, at Universal."
22 Okay. "And he was there with friends drinking. I've never seen him there with anybody. So
23 I left work without saying anything to anybody. I kind of just left right before the end of my
24 shift. And so because I didn't want him following me home because he had followed me home
25 before." [Department's Exhibit 7, Pages-44, 45] Quite the novel statement since [REDACTED]
26

1 [REDACTED] herself testified that Deputy Mandoyan stayed at her residence 3 or 4 nights a week
2 while they were dating.

3 As with any *liar*, they just cannot reconcile all of these make-believe events, who they
4 told them to, and what version of the *lie* was utilized on each of those occasions. When asked
5 in her IAB interview about when she took the photograph of Mandoyan's Red Lexus she said:
6 "I took that picture, it was in the winter time, I wanna, it was like either...It might have been
7 in November, November, early December 2014." Right before the relationship ceased, right?
8 "Right before, yeah. And he was parked at Universal." Okay. Could you do me a favor and
9 just, and what was the reason that you took a picture of the car at this time? "Because I, his car
10 was there and I called him and he, to say, hi, what are you doing, where are you, and he told
11 me that he was in the bathroom at home, didn't feel well. And so I said, that's interesting
12 because I see your car. It's parked here at Universal." [Department's Exhibit 7, Pages-41]

13 But the first three (3) written accounts paled in comparison to the farcical fourth (4th)
14 rendition she told from the witness chair at the Hearing about how Deputy Mandoyan was
15 aggressively cutting her off on the freeway, then getting in front of her car and jamming on his
16 brakes causing her to have to swerve and jam on her own brakes to avoid having a collision.
17 Making it even more harrowing that she was doing these high speed evasive maneuvers while
18 simultaneously talking on the phone with Deputy Mandoyan for twenty-six (26) minutes in real
19 time. (Appellant's Exhibit 58) That probably explains why she wasn't able to call 911 to
20 report this fictitious vehicular assault that was occurring on the freeway while she was
21 desperately trying to get home to avoid any encounters with Deputy Mandoyan. As she was
22 simply too busy talking with him on her cell phone.

23 Or perhaps the untrammelled truth was because the entire scenario was a hand-quilted
24 balderdash *lie* since that very same evening [REDACTED] [REDACTED] texted Deputy Mandoyan and made
25 arrangements for him to get into a crowded restaurant/club as evidenced in her text message to
26 him: "Hes on his way up to get u in." They got me in...I'm good..Thank u." (Appellant's

1 **Exhibit 57)** Completely eviscerating all three (3) of those cockamamie stories told by her
2 about that *frightful evening at Universal City Walk*, and categorically negating the *fourth*
3 adaptation of [REDACTED] fib, voiced in real time from the witness chair about this fantasy
4 event that never happened. Proving once again that an *oath to swear or affirm to tell the truth*
5 *was mocked in these proceedings*, over and over again by the Respondent's primary witness;

6 [REDACTED]
7 It was curious though when the Advocate for the Respondent asked Deputy [REDACTED] if he
8 had a *Reaper Tatoo*? He said: "No." Then he was asked if he was a *Reaper*? He replied:
9 "No." Then he was asked if he knew what a *Reaper* was? He stated: "Yes, you mean the
10 character?" The Respondent's Advocate then said; no the station thing? He replied: "Well
11 yes. Just like every other Station in the Department, Lennox/South LA station has a mascot.
12 The *Reaper* mascot is commonly used on hats, t-shirts, and other attire or paraphernalia that
13 identifies the Station just like every other Station. It's more of a camaraderie and Station pride
14 thing, just like fraternities and military units such as the Marines." He indicated that he
15 himself had a tattoo in recognition of his service in the United States Marines.
16 She also asked him if he knew Deputy Mandoyan had a *Reaper* tattoo? He said: "No." She
17 asked him if he ever saw Deputy Mandoyan's tattoo? He said: "No." She asked him if Deputy
18 Mandoyan ever told him he had a tattoo? He again said: "No." Then she asked him a second
19 time if he [REDACTED] was a *Reaper*? He said: "No." When he was asked why he wasn't
20 asked to be one he said: "I just wasn't."

21 Once again, laying the foundation for the real motive behind the termination of Deputy
22 Mandoyan as there was nothing even remotely viable about any of the charges lodged in the
23 Respondent's Letter of Imposition to support this insulting line of questioning. Other than
24 exposing the true motivations of the Respondent in engineering this unsupportable termination
25 that is obviously a smear tactic since there is nothing even tangentially related to their letter of
26 imposition. [Department's Exhibit 3]

1 Deputy Sheriff [REDACTED] [REDACTED]

2 Was another Deputy Sheriff who also worked at the West Hollywood Sheriff's Station
3 with [REDACTED] [REDACTED] Deputy [REDACTED] did not work with Deputy Mandoyan who was no longer
4 at WHD as he had already transferred to Lennox/South LA Station. They had connected with
5 each other on Facebook and *friend*ed each other. In [REDACTED] interview with IAB Sergeant
6 [REDACTED] [REDACTED] on June 29, 2016 she said when asked: All right. Did he (Mandoyan) ever
7 specifically ask who she [REDACTED] was dating after they broke up? "He, no, never asked me that
8 question." Which made it very puzzling when she also stated in her IAB Interview: At any
9 point did, you feel that Deputy Mandoyan ever tried to manipulate you? "Absolutely."
10 [Department's Exhibit 8, Pages-5, 8] Hard to reconcile those diametrically opposing
11 statements. However, when the question about Deputy Mandoyan manipulating Deputy
12 [REDACTED] was asked by the Advocate for the Respondent, it was struck Sua Sponte by the
13 Hearing Officer as being argumentative and speculative.

14 Deputy [REDACTED] initially denied on cross-examination that Deputy Mandoyan was
15 assisting her in writing reports that she was detailed as a patrol Deputy at West Hollywood
16 Station, but when confronted with Appellant's Exhibit 53 that consisted of twenty-two (22)
17 pages of emails between her and Deputy Mandoyan with him writing up both crime reports,
18 declarations of probable cause, and arrest report narratives for her, she instantly became very
19 defensive and said he was only "*proof reading her reports.*" The four corners of all of the
20 emails contained in that exhibit emphatically show otherwise. So much for who was being
21 *manipulated.*

22 The most germane testimony from Deputy [REDACTED] though was when it was
23 conclusively established that [REDACTED] [REDACTED] was the culprit behind all of this
24 *anonymous text messaging* as Deputy Sheriff [REDACTED] [REDACTED] said in her interview with IAB
25 Sergeant [REDACTED] on June 29, 2016: "And then later we found out who that person was who
26 was sending those messages." Who was that? It's [REDACTED] [REDACTED] best friend that used to,

1 well, not used to, but at the time was dating Carl Mandoyan." And who was that? [REDACTED]
2 [REDACTED] [Department's Exhibit 8, Page-7] This was after [REDACTED] [REDACTED] at first thought it
3 was Deputy [REDACTED] sending her those text messages when she lashed at out at [REDACTED] by
4 saying: "You big tomato nose stay out of my business."

5 Deputy Sheriff [REDACTED] [REDACTED]

6 Was called as a witness by the Appellant, Deputy Mandoyan, since he too worked at
7 West Hollywood Station when both [REDACTED] [REDACTED] and Deputy Mandoyan were also assigned
8 there as patrol Deputies. Deputy [REDACTED] testified: "He was familiar with Deputy Mandoyan
9 and he was the go to guy for any narcotic arrests at West Hollywood Station. He was an FTO
10 and a real sharp guy." Testimony also remarkably consistent with his statement made to IAB
11 Sergeant [REDACTED] on June 30, 2016 [Department's Exhibit 10, Page-2] He was also asked to
12 shed some light on this "taking my patrol car keys" event alleged by [REDACTED] [REDACTED] that
13 occurred in West Hollywood on an unknown date and unknown time. She told it on three
14 different occasions with three different versions being offered. Unbeknownst to Deputy
15 [REDACTED] he was mentioned quite prominently in [REDACTED] [REDACTED] final and third adaptation of
16 this *Hocus-Pocus whopper of a lie*. For the sake of brevity here are the three alternatives to
17 choose from according to the *Smorgasbord of lies* from the mouth of [REDACTED] [REDACTED]

- 18 1. Reported first to ESPD Officer Marco Lemus on July 14, 2015: "On one occasion,
19 while they were both on duty, he took her unit keys and left. The victim was
20 stranded and unable to respond to a potential call." [Department's Exhibit 6,
21 Page-3];
- 22 2. Second version by Deputy [REDACTED] [REDACTED] in her next interview with Detectives
23 Danowitz and Humphrey from the ESPD on July 20, 2015 when she said: "...And
24 he did. He came out there, and he friggin' wigged out because I wouldn't give him
25 my cell phone. And so he...There's nothing on it. Like, Dude, what is your
26 problem? So he took the keys out of my radio car...I was left with my radio car in

1 a parking lot with no keys...I want to say like maybe like 15, 20 minutes...Well, I
2 typed one of my partners and said: "Hey, do you have an extra key? An extra set of
3 keys?" [Department's Exhibit 5, Pages-4, 5];

- 4 3. Third edition when IAB Sergeant [REDACTED] was interviewing Deputy Sheriff
5 [REDACTED] [REDACTED] himself for her first IAB interview, which was now the *third*
6 *iteration* of this: "Taking the keys from the ignition of my radio car story," she
7 mentions for the *very first time* that she had typed: "[REDACTED] for the extra set of
8 keys. And you said by the time he had replied to you..."Yeah, I already had my
9 stuff back, so." [Department's Exhibit 7, Pages-9 through 13]

10 What Deputy [REDACTED] had to say about this "taking my patrol car keys" event
11 conjured up out of whole cloth by [REDACTED] [REDACTED] was simply flabbergasting. He worked an
12 entirely different patrol shift than [REDACTED] [REDACTED] and might have worked overtime three or four
13 times on her shift but never interacted with her at all. Doesn't even remember ever having a
14 call for service in the field where the both of them were assigned. When told that [REDACTED]
15 [REDACTED] said: "that she had typed: '[REDACTED] for the extra set of keys. And you said by the
16 time he had replied to you..."Yeah, I already had my stuff back, so.", Deputy [REDACTED] said:
17 "That never happened." Even when he was asked that same question repeatedly in his IAB
18 Interview he consistently stated: "No." "No, I don't remember that ever happening."
19 [Department's Exhibit 10, Pages-4, 5] Apparently Assistant Sheriff [REDACTED] missed that
20 cogent statement from Deputy [REDACTED] too as he read through the 501-page IAB
21 Investigation. Or simply ignored it when he based his decision to terminate Deputy
22 Mandoyan: "On the words of [REDACTED] [REDACTED]

23 Deputy [REDACTED] also said: "Deputy Mandoyan was the type of FTO who always went
24 out of his way to help new Deputies learn how to do their jobs better, and when he got off his
25 shift he would remain in the station for hours on his own time talking with Supervisors and
26 helping out in dispatch because the Department was his life."

1 Homicide Lieutenant [REDACTED] [REDACTED]

2 Was a witness called by the Appellant. Curiously, he was purposely omitted from the
3 Respondent's rather voluminous binder even though he was interviewed by IAB Sergeant
4 [REDACTED] [REDACTED] on June 22, 2016. Which was very strange given that Lieutenant [REDACTED] was
5 another cornerstone of this entire case as he was promptly notified immediately by Deputy
6 Mandoyan of a *very disturbing and profanity laced nasty phone call* he (Mandoyan) received
7 while On Duty at Lennox/South LA Station from Deputy [REDACTED] [REDACTED] on June 3, 2015 at
8 1719 hours (5:19 p.m.) threatening his career with false allegations of invented crimes.
9 Lieutenant [REDACTED] was the PM Watch Commander at the Station and "Ordered" Deputy
10 Mandoyan to write a Memorandum detailing the content of this *repugnant phone call*.

11 (Appellant's Exhibit 61)

12 The content of the one minute and fifty-six (56) second phone call made by [REDACTED]
13 [REDACTED] to Deputy Mandoyan is scandalous! Casting aside the vulgarities, the threatening tirade
14 alone ought to have been sufficient to have *her terminated for such repugnant conduct* that
15 absolutely shocks the conscience. For the Respondent to have done absolutely nothing about
16 the conduct of [REDACTED] [REDACTED] and her actions speaks volumes and exposes their inability to
17 conduct any semblance of an *actual, neutral, or Independent* IAB Investigation. [REDACTED]
18 [REDACTED] *obnoxious rant* was set forth as follows: "You can say goodbye to your fucking job
19 you fucking idiot. You're a fucking idiot. When I'm done with you, you're going to need a
20 psych approval to get your job back. You're a stupid Mother Fucker....Fuck you, you
21 fucked up. I'm going to call your Watch Commander and tell him that you broke in my
22 place and anything else that I want...Fuck you, you're a basehead."

23 After Lieutenant [REDACTED] was called as a witness and being asked questions regarding his
24 interactions with Deputy Mandoyan, the Respondent engaged in an opaque feigning *Mea*
25 *Culpa* oversight claiming that his interview transcript was inadvertently omitted from their
26 book of exhibits. Although the Appellant handed them copies of Lieutenant [REDACTED] entire

seven (7) page interview as a courtesy for inclusion as newly added [Department's Exhibit 32] for convenience. Lieutenant [REDACTED] testified: "That Deputy Mandoyan was his best FTO and that he (Lieutenant [REDACTED]) just felt better knowing that Deputy Mandoyan was working on his shift and that if something needed to be taken care of it would be done correctly by him. He had the utmost of confidence in him and his integrity was never in question and he never had any issues about Deputy Mandoyan's integrity. He was diligent and knowledgeable training officer."

Once the Respondent began their cross-examination of Lieutenant [REDACTED] it became self-evident that their entire case which was exposed as nothing more than a *House of Cards* up to that point had not only failed miserably, but now they were resorting to backdoor loathsome tactics to improperly *tar and stain, then falsely portray* Deputy Mandoyan as some *rogue Deputy* because he had etched onto his body skin art of a Departmental Station Mascot to display pride in his accomplishment of becoming an FTO at Lennox/South LA Station. A level of success that very few Deputy Sheriff's over the decades have ever achieved during their careers, and a commonly recognized practice by those highly experienced FTO's who have put in the hard work and time to make their communities and its residents safer by a sacrifice of the time needed to make those neighborhood streets secure for everyone who live there.

Sadly, the Respondent immediately took to the *Low Road* to now vilify Deputy Mandoyan in a clear quest to tarnish his reputation and image before the Hearing Officer by asking Lieutenant [REDACTED] [REDACTED] assigned to Homicide Bureau: "If he was aware that the Appellant had a "Reaper" tattoo? At which point the Hearing Officer himself *Sua Sponte* inquired of Lieutenant [REDACTED] "What would be his impression of someone who had a "Reaper" tattoo?" To which Lieutenant [REDACTED] replied: "It would mean that individual worked a long time at Lennox/South LA Station and that they were a *hard worker*." That completely exposed their

odious conduct of casting false aspersions on Deputy Mandoyan as their deplorable IAB case was exposed as a scurrilous effort to terminate a Deputy Sheriff who had done absolutely nothing wrong other than the misfortune to have become involved with female members of the Department who were emotionally crippled and unstable. Not even constituting a policy violation as there is absolutely nothing in the Respondent's Manual of Policy and Procedures that addresses dating relationship choices. Nor were there any charges in the Respondent's Letter of Imposition. [Department's Exhibit 3]

Deputy Sheriff [REDACTED]

Or more accurately, Former Deputy Sheriff [REDACTED] [REDACTED] Apparently between the date of her direct examination on July 26, 2017, and the two months in between and right before her cross-examination was commenced on September 27, 2017 Deputy [REDACTED] "Resigned for Personal Reasons." No doubt to spare herself the humiliation of being terminated by the Respondent for a plethora of patently dishonest statements made in both her IAB Interviews, ESPD Detective Interview, false initial ESPD Report, sham POE Complaint, and her fraudulent TRO Application submitted under Penalty of Perjury in the Superior Court. Not to mention her Felony crime in illegally recording a phone conversation with Deputy Mandoyan back in 2013 in order to obtain future *leverage* so she could end their relationship when she became bored with him by manufacturing yet another baseless made-up claim against him. Consistent with her direct testimony on July 26, 2017 that she: "Felt trapped in the relationship back in 2013." Based on the state of the evidence in this case up to that point it doesn't require much insight to figure out that she was caught in a web of lies that couldn't be sorted through or buried by Sergeant [REDACTED] as it was a maze beyond comprehension. It would be easier to complete a *Rubik's Cube* than unraveling and cataloging the intricacies and catacombs of all of her lies in this entire odyssey, but the Appellant will try his best to

1 concisely sort through this quagmire for the Hearing Officer. Here they are in no specific
2 order:

- 3 1. [REDACTED] [REDACTED] along with [REDACTED] [REDACTED] [REDACTED] both former dating partners
4 of Deputy Mandoyan, went to the Chatsworth Courthouse on July 14, 2015 with
5 Deputy [REDACTED] [REDACTED] filing for a meritless TRO alleging stalking and Domestic
6 Abuse/Violence (DV);
- 7 2. After receiving her TRO [REDACTED] [REDACTED] told her Supervisor and at some point she
8 was contacted by another Supervisor from Internal Criminal Investigations Bureau
9 ("ICIB") and ordered to file a police report. She never did identify who actually
10 told her to make that false report alleging Domestic Violence (DV). (Nor were they
11 brought to the Hearing to testify by the Respondent) She did call the El Segundo
12 Police Department that very same night at 2014 hours (8:14 p.m.). Don't people
13 call the police department first? Then get advice from law enforcement about filing
14 for a restraining order? Both of which presumes there isn't any legitimate or viable
15 establishment of Domestic Violence in this case. The first of many Red Flags;
- 16 3. Both of these two forgoing events (TRO, and Police Report) were done nearly *three*
17 *(3) weeks after* [REDACTED] [REDACTED] made her initial Policy of Equality (POE) with
18 Lieutenant Wiard on June 23, 2015 (**Appellant's Exhibit 60: Pages-1, 2**) that
19 stated *Absolutely Nothing about any Domestic Abuse/Violence (DV)*. Another Red
20 Flag;
- 21 4. Putting aside the absolutely false and fraudulent Domestic Abuse allegation that
22 purportedly occurred eleven (11) months earlier, that everyone knew never in-fact-
23 happened, [REDACTED] [REDACTED] became bolder and bolder with her propagating lies and
24 ever changing chameleon stories. In particular, the grandiose tale about
25 Mandoyan taking the ignition key from her radio car while she was On Duty at
26 West Hollywood Station ("WHD") as first reported to ESPD Officer Marco Lemus

on July 14, 2015: "On one occasion, while they were both on duty, he took her unit keys and left. The victim was stranded and unable to respond to a potential call."

[Department's Exhibit 6, Page-3];

5. Then Deputy [REDACTED] further embellished that fake story in her next interview with Detectives Danowitz and Humphrey from the ESPD on July 20, 2015 when she said: "...And he did. He came out there, and he friggin' wiggled out because I wouldn't give him my cell phone. And so he... There's nothing on it. Like, Dude, what is your problem? So he took the keys out of my radio car... I was left with my radio car in a parking lot with no keys... I want to say like maybe like 15, 20 minutes... Well, I typed one of my partners and said: "Hey, do you have an extra key? An extra set of keys?" [Department's Exhibit 5, Pages-4, 5];

6. When IAB Sergeant [REDACTED] was interviewing Deputy Sheriff [REDACTED] himself for her first IAB interview, which was now the *third iteration* of this: "Taking the keys from the ignition of my radio car story," she mentions for the very first time that she had typed: "[REDACTED] for the extra set of keys. And you said by the time he had replied to you..." Yeah, I already had my stuff back, so."

[Department's Exhibit 7, Pages-9 through 13] Shockingly, even while in possession of three (3) alternating versions of this manifestly false event, Sergeant [REDACTED] never bothered to obtain any of the MDT Logs between Deputy Sheriff [REDACTED] and Deputy Sheriff [REDACTED] to corroborate or *refute* this absurd occurrence.;

7. Even Sergeant [REDACTED] obviously didn't believe the underpinnings of this *fish tale* otherwise he would have asked [REDACTED] whether or not Caren Mandoyan was "ON DUTY" or "OFF DUTY" in any of these three sham stories that were being told to "four" different individuals on three occasions: ESPD Officer Marco Lemus; ESPD Detectives Danowitz and Humphrey; and now IAB Sergeant

1 [REDACTED] A simple question such as: "Was Deputy Mandoyan in uniform and
2 driving a Sheriff's Department Patrol vehicle? It was never asked. Another Red
3 Flag;

4 8. [REDACTED] first report to the El Segundo Police Department on July 14, 2015
5 [Department's Exhibit 6, Page-3] where she says: "Mandoyan became controlling
6 over the victim. He did not want her talking to her cousins, her co-workers and did
7 not want her to attend briefings at the beginning of her shifts.";

8 9. [REDACTED] next reported this same lie with Detectives Danowitz and Humphrey
9 from the ESPD on July 20, 2015 when she said: "No, he wouldn't want, he didn't
10 want me to go to briefing. He didn't want me going to...I don't know. He just
11 didn't want me going to briefing. He didn't want me talking to anybody. He didn't
12 want me going to like, if I was the assist on calls, like, he didn't want me going to
13 those calls [Department's Exhibit 5, Page 2];

14 10. [REDACTED] never told anyone at the ESPD or Sergeant [REDACTED] the simple truth
15 that Mandoyan never in fact told her any of that. As evidenced by (Appellant's
16 Exhibit 55) a text message string with [REDACTED] typing: "Am I not allowed to
17 have a conversation with my cousin." Mandoyan typing: "Yes of course you are."
18 Then [REDACTED] typing: "Ur fuckng ridiculous." And Mandoyan typing:
19 "Thanks for the kind words."

20 11. It was extremely odd that [REDACTED] didn't provide this information or the text
21 message string to the ESPD given that she said in her July 20, 2015 interview with
22 Detective Danowitz and Humphrey: "I just, I mean for the record, you know, I'm
23 glad El Segundo is handling this criminal report, because I don't trust my agency
24 for shit." [Department's Exhibit 5, Page-12] Hard to reconcile why [REDACTED]
25 [REDACTED] would have to be ordered to make a report by her own agency in the first
26 place. Did anyone actually tell her to make a false police report? She never did

1 provide a name. Sergeant [REDACTED] never asked her for a specific name to contact
2 that individual. Obviously because nobody wants to initiate an utterly false report
3 on their own. Another Red Flag;

4 12. Falsely claiming that their relationship ended in December, 2014 in both her POE
5 Complaint (**Appellant's Exhibit 54**), Initial report to the ESPD on July 14, 2015
6 [**Department's Exhibit 6, Page-3**], ESPD Detective Interview July 20, 2015
7 [**Department's Exhibit 5, Page-3**], and her IAB Interview on June 24, 2016 that
8 their relationship had ended in December, 2014 [**Department's Exhibit 7, Page-**
9 **41**], and falsely testified at the Hearing that their relationship ended just before
10 Christmas, 2014;

11 13. Impeached with (**Appellant's Exhibit 56**) text messages clearly showing on
12 December 27, 2014; and December 28, 2014 that Deputy Mandoyan was not only
13 still texting [REDACTED] report narratives and Probable Cause Declarations, but
14 [REDACTED] was still texting him Back: "I Love You." Clearly establishing they
15 were in a relationship during the time frame she lied about and said that they were
16 not still in a dating relationship.

17 14. Impeached again with (**Appellant's Exhibit 60**) the missing pages from her TRO
18 Application that set forth the dates of these various fictitious events as 01/26-2015;
19 12/27/2014; and 09/01/2014. After she testified on both direct and cross-
20 examination that these dates of incidents were just approximations and she never
21 said or wrote these exact dates.

22 15. Further Impeached with her Initial report to the ESPD on July 14, 2015
23 [**Department's Exhibit 6, Page-3**], ESPD Detective Interview July 20, 2015
24 [**Department's Exhibit 5, Pages-6, 14, and 20**], and in her IAB Interview on June
25 24, 2016 that these were the same dates she had used repeatedly in telling these
26

1 false stories: 01/26-2015; 12/27/2014; and 09/01/2014. [Department's Exhibit 7,
2 Pages- 27, 41, 44],

3 16. Impeached with (Appellant's Exhibit 59) the PM In-Service Sheet from WHD
4 dated June 3, 2015 that listed Deputy [REDACTED] working Universal City Walk
5 from 1700 (5:00 p.m.) to 0300 (3:00 a.m.) after she testified that she never called
6 Deputy Mandoyan that day while she was working her shift. That was the day of
7 the threatening phone call she made while ON DUTY at 1719 Hours (5:19 p.m.) as
8 follows: "You can say goodbye to your fucking job you fucking idiot. You're a
9 fucking idiot. When I'm done with you, you're going to need a psych approval to
10 get you job back. You're a stupid Mother Fucker....Fuck you, you fucked up.
11 I'm going to call your Watch Commander and tell him that you broke in my place
12 and anything else that I want...Fuck you, you're a basehead." (Appellant's

13 Exhibit 61) The Memorandum Deputy Mandoyan wrote to Lieutenant [REDACTED]
14 [REDACTED] his PM Watch Commander at South LA Station;

15 17. Impeached herself at trial when she stated in response to the inquiry from the
16 Hearing Officer as to how much of Deputy Mandoyan's body entered her back
17 bathroom window and she said: "Maybe his arm." Which was in *sharp conflict*
18 with her prior numerous statements of this utterly sham story ranging from:
19 "Climbed halfway inside" Her Initial report to the ESPD on July 14, 2015;
20 [Department's Exhibit 6, Page-3]; "Half in the window." ESPD Detective
21 Interview July 20, 2015 [Department's Exhibit 5, Page-16], and "Got his upper
22 body through." [Department's Exhibit 7, Page-45],

23 18. One need to look no further than the tiny size of the rear bathroom window depicted
24 in (Appellant's Exhibit 53), in comparison to the size of Deputy Mandoyan to
25 recognize the impossibility of those meritless allegations.

1 19. One only needs to read the following excerpts from the July 14, 2016 IAB

2 Interview of Deputy Mandoyan to illustrate the sheer lack of vitality to these
3 charges related to gaining entry into [REDACTED] Residence in December, 2014
4 when he said: "No. I was knocking, trying to make some noise. She locked me out
5 that day. We were inside. We had gotten into a little verbal argument and she
6 locked me out with my backpack and keys inside. So I was trying to get her
7 attention to come and let me in. And I had a broomstick and I started tapping, not
8 even the sliding glass door side, the side that's solid on the side, and I was tapping
9 to get her attention, like, [REDACTED] come let me in. And she'd come over and it's
10 like, no, no, go away. I said let me in so I can get my backpack and my keys and
11 we're talking back and forth...No when [REDACTED] came to the door, she was, you
12 know we were talking and I'm like, can you let me in so I can get my backpack and
13 my keys so I can leave and she was like, no, no, it was silly. Then she, as soon as
14 we both stopped filming each other, she came back and let me in and that was the
15 end of it. I was never trying to break into her place." [Department's Exhibit 17,
16 Pages-21, 22]. Also the pretend DV allegation that never took place on September
17 1, 2014 based on the further Interview statement from Deputy Mandoyan: "The
18 restraining order that I was served with had the allegations and she had a September
19 1 date and I don't know how she, how this September 1 date came about. The only
20 that could have ever, anything about September was September 3, I had back-
21 related surgery and I was out of commission for a few weeks and it was [REDACTED] you
22 know, that took care of me. So I don't know any, I can't think pinpoint September
23 1 because nothing occurred." Department's Exhibit 17, Page-20]

24 20. The further meritless allegation regarding the rear bathroom window episode was
25 refuted and exposed with not only [REDACTED] testimony that was in sharp
26 contrast to her previous multiple false statements about this occurrence to the

1 ESPD, and IAB, but was absolutely eviscerated as another bewildering lie when she
2 was confronted with phone records (**Appellant's Exhibit 58**) that severely
3 impeached her make believe story that strained to the point of no return her total
4 lack of credibility.

5 Finally, after the Respondent's Advocate asked [REDACTED] [REDACTED] if any of her claims were
6 *False Allegations*? She replied: "No." After opening that door [REDACTED] [REDACTED] was then asked
7 on re-cross-examination: Do you know Detective Jennings from the Long Beach Police
8 Department? She replied: "Yes." Then she was asked if she knows Deputy Bracks and
9 Deputy Bankston? She replied: "Yes." Then she was asked if she made a police report when
10 she heard that Deputies Bracks and Bankston were bragging about having group sex with her,
11 she replied: "Yes." Establishing her compunction for making false police reports.

12 **Deputy Sheriff Caren Mandoyan**

13 Being falsely accused of ludicrous allegations that were never proven elected not to
14 waste any further time of the Hearing Officer as these charges were false from front to back.
15 They were all vengeful fabrications from their inception made by [REDACTED] [REDACTED] who ended her
16 employment with the Respondent after it became quite apparent that her antics were so
17 egregious that her career was finished in law enforcement and she resigned two days before her
18 cross-examination was scheduled to begin. Unfortunately, given that the Respondent was
19 obviously *duped* by [REDACTED] [REDACTED] from the inception of this *dating drama mishmash*, they
20 have decided to let it run its course based on the vast resources they expended in believing an
21 obvious *fish tale* from [REDACTED] [REDACTED]. One can only shudder at the amount of taxpayer money
22 they expended on an expert witness who wasn't allowed to testify in these proceedings based
23 on the clear prohibition as forth in California Evidence Code Section 1107. It's
24 incomprehensible that the Respondent refused to recognize the failings in this entire fiasco and
25 do the right thing by dismissing it and reinstating the Appellant forthwith with full back pay
26 and benefits.

1 That being said, all that they're left with in this case is a contrived video crafted by a
2 "Con Artist" trying to falsely portray Deputy Mandoyan attempting to gain access inside
3 [REDACTED] residence after she locked him out with his backpack and keys still inside.
4 How was he going to get to work? He wasn't going to leave his backpack containing his
5 county and personal property at the residence of [REDACTED] who just locked him out. He
6 did what anyone would do; Make some Noise!

7 Deputy Mandoyan told Sergeant [REDACTED] in his IAB Interview on July 14, 2016: "No.
8 I was knocking, trying to make some noise. She locked me out that day. We were inside. We
9 had gotten into a little verbal argument and she locked me out with my backpack and keys
10 inside. So I was trying to get her attention to come and let me in. And I had a broomstick and
11 I started tapping, not even the sliding glass door side, the side that's solid on the side, and I was
12 tapping to get her attention, like, [REDACTED] come let me in. And she'd come over and it's like,
13 no, no, go away. I said let me in so I can get my backpack and my keys and we're talking back
14 and forth...No when [REDACTED] came to the door, she was, you know we were talking and I'm
15 like, can you let me in so I can get my backpack and my keys so I can leave and she was like,
16 no, no, it was silly. Then she, as soon as we both stopped filming each other, she came back
17 and let me in and that was the end of it. I was never trying to break into her place."

18 [Department's Exhibit 17, Pages-21, 22].

19 Given that this case was never about the truth as it's incomprehensible how something
20 so simple could be repeatedly botched by the world's largest Sheriff's Department, it must be
21 about something else. Those ulterior motives were exposed throughout this case by the
22 Advocate for the Respondent with the *never-ending tattoo questions*. Which is why they will
23 be fulminating over their lamest charges in their Letter of Imposition under sections 2 (a-h);
24 and 4 (a-d) [Department's Exhibit 3, Pages-2, 3, 4]

25 For the sake of brevity, the Hearing Officer need to only read the following passages
26 from the IAB Interview of Deputy Mandoyan to eliminate those libelous charges: "No, it was

1 just me trying to get her attention to let me in...My keys and backpack. My belongings were
2 inside the apartment...I was trying to get her attention by making, you know, so she could
3 open the door and let me in...It was a grip from the weight thing that I think, I didn't
4 remember using it, but I was trying to use that to kind of knock on the solid portion of it to
5 make some noise she could let me in." [Department's Exhibit 17, Pages-74, 75].

6 Then the easily offered truth of the January 26, 2015 twenty-six (26) minute *incoming*
7 telephone conversation received from [REDACTED] [REDACTED] "I was trying to apologize to her because
8 we had gotten into an argument earlier on the phone...I didn't follow her. We were headed to
9 her... We were going to her place...That's when I slid open the sliding glass door. She had a
10 couple shampoos and I can hear them drop in, they dropped in the tub and she thought I was
11 getting, I never got into her apartment. I was talking to her from there. I was just trying to
12 apologize to her...The sliding glass window." [Department's Exhibit 17, Pages-79, 80, 81]
13 At the end of that particular video you can hear [REDACTED] [REDACTED] saying: "Fucking Asshole."

14 That dispenses with this unsupportable notion of trying to break into her residence on
15 either occasion.

16 APPELLANT'S CONCLUSION

17 The complaining witness in this matter; Deputy Sheriff [REDACTED] [REDACTED] has embarked on
18 a personal vendetta and meritless pattern of unsavory conduct culminated by contriving false
19 accusations of domestic abuse against the Appellant Caren Mandoyan for refusing to engage in
20 a long term personal relationship with her. Once her fantasy allegations were reported to law
21 enforcement more than ten (10) months after never occurring and being thoroughly
22 investigated; no case was ever filed by any prosecuting District Attorney's Office given that
23 their independent and autonomous conclusions are that Deputy Sheriff [REDACTED] [REDACTED] lacks
24 credibility. Deputy District Attorney Linda Loftfield SBN 127507, and Deputy District
25 Attorney Jamie Garrison SBN 157070, with a combined fifty-two (52) years of prosecutorial
26 experience saw this case for what it truly was; *a fraud*. Deputy Sheriff [REDACTED] [REDACTED]

1 manufactured a story replete with distortions and fibs in order to impact Appellant's ten (10)
2 years of employment as a Peace Officer for the LASD working as a Field Training Officer at
3 South Station. All because she became bored with their relationship until she was told that
4 Deputy Mandoyan was dating another Deputy Sheriff that [REDACTED] [REDACTED] used to be friends
5 with years ago.

6 Her centerpiece saga was a fabricated non-existent episode of domestic abuse that had
7 her giggling incessantly to the Detectives at the El Segundo Police Department while
8 conveying this tale of abject fiction. Deputy Sheriff [REDACTED] [REDACTED] displays no compunction in
9 her efforts to destroy the law enforcement career of the Appellant given that she has also filed
10 an equally meritless TRO in the Los Angeles Superior Court-Chatsworth Courthouse, once
11 again feigning this non-existent domestic abuse claim that was subsequently dismissed by her
12 on July 30, 2015 in lieu of testifying falsely under oath before a Superior Court Judge.

13 The termination by the LASD has no basis in fact given the fatally flawed
14 underpinnings and concocted falsehoods of non-existent domestic abuse and other insulting
15 events that did not in fact ever take place. Appellant should be immediately reinstated to his
16 position as an (FTO) forthwith with restoration of all back pay and benefits from his date of
17 termination.

18
19 Dated: November 27, 2017

By: 
Michael A. Goldfeder, Attorney for
Appellant Caren Mandoyan

1 PROOF OF SERVICE BY MAIL - 1013A, 2015.5 C.C.P.

2 STATE OF CALIFORNIA)
3 COUNTY OF LOS ANGELES)

4
5 I am employed in the county aforesaid; I am over the age of eighteen years and not a party to the
6 within entitled action; my business address is 400 Continental Boulevard, 6th Floor, El Segundo,
7 CA. 90245.

8 On November 27, 2017 I served the within document described as:

9 **Appellant Caren Mandoyan's Closing Argument**

10 On interested parties in this action by placing a true copy thereof enclosed in a sealed envelope
11 addressed as follows:

12 Christine Roam US Mail
13 Los Angeles County Sheriff's Department
14 4900 S. Eastern Avenue, # 101
15 City of Commerce, CA. 90040

16 I am readily familiar with the firm's practice of collection and processing correspondence
17 for mailing. Under that practice it would be deposited with U.S. postal service on that same day
18 with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.
19 I am aware that on motion of the party served, service is presumed invalid if postal collection date
20 or postage meter date is more than one day after date of deposit for mailing in affidavit.

21 I declare, under penalty of perjury, under the laws of the State of California, that the
22 foregoing is true and correct.

23 Executed on November 27, 2017 at El Segundo, California.

24
25
26
27
28

Michael A. Goldfeder



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS: DENNIS F. HERNANDEZ • NAOMI NIGHTINGALE • STEVEN AFRIAT • JOHN DONNER • Z. GREG KAHWAJIAN
LAWRENCE D. CROCKER, EXECUTIVE DIRECTOR • STEVE CHENG, HEAD CIVIL SERVICE COMMISSION

July 27, 2017

NOTICE OF CONTINUATION OF HEARING

SUBJECT OF HEARING
Petition of CAREN MANDOYAN for a hearing on her discharge , effective September 14, 2016, from the position of Deputy Sheriff, Sheriff's Department, Case No. 16-276 .

DATE(S)	TIME	PLACE
Wednesday, September 27, 2017 Friday, September 29, 2017	9:00 A.M.	ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION 500 W. TEMPLE STREET LOS ANGELES, CA 90012

REPRESENTATIVE/ATTORNEY FOR APPELLANT	REPRESENTATIVE/ATTORNEY FOR DEPARTMENT
MICHAEL GOLDFELDER ATTORNEY AT LAW 400 CONTINENTAL BLVD, FL 6 EL SEGUNDO, CA 90245	CHRISTINE ROAM L.A. COUNTY SHERIFF'S DEPARTMENT 4900 S EASTERN AVENUE SUITE 101 COMMERCE, CA 90040

HEARING OFFICER:	JOSEPH SCULLY
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All parties' attendance is required at the above-referenced date and time, along with any evidence and/or witnesses you plan on presenting. **Parties are expected to bring two (2) copies of any proposed exhibit(s) for the Hearing Officer and one (1) copy for the opposing party.** Subpoena forms are available upon request, at no charge.

Lawrence D. Crocker
Executive Director

c: Caren Mandoyan
Michael Goldfeder
Christine Roam
Joseph Scully

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LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

JUL 24 2017

CHRISTINE ROAM, Sergeant
Sheriff's Advocacy Unit
4900 South Eastern Avenue
Commerce, CA 90040
Telephone: (323) 890-5418
Facsimile: (323) 890-9797

Advocate for Respondent, COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

BEFORE THE CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

In the matter of the discharge of
CAREN MANDOYAN,

Appellant,

vs.

COUNTY OF LOS ANGELES SHERIFF'S
DEPARTMENT,

Respondent/Department.

Case No.: 16-276

**LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT'S RESPONSE TO
APPELLANT'S JULY 19, 2017 MOTION
TO DISMISS**

Hearing Officer: Joseph Scully

Hearing Dates: July 24, 25 & 26, 2017

TO HEARING OFFICER JOSEPH SCULLY, APPELLANT, and HIS ATTORNEY
OF RECORD:

PLEASE TAKE NOTICE that on July 24, 2017, at 9:00 AM, or as soon thereafter as
the Department may be heard, the COUNTY OF LOS ANGELES SHERIFF'S
DEPARTMENT (hereinafter "Respondent" or "the Department"), will oppose the Appellant's
motion to dismiss and move to have introduced at hearing a recording made of a phone
conversation between Appellant and Witness Deputy [REDACTED] which was properly
obtained pursuant to 633.5 of the Penal Code.

July 24, 2017

JIM McDONNELL,
SHERIFF

By: 

CHRISTINE ROAM

Sergeant

Advocate for Respondent,
COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

I.
INTRODUCTION

On June 20, 2017, Appellant filed a motion to exclude the entire testimony of Witness Deputy [REDACTED] based on the Department's refusal to disclose certain statements made by her during the administrative investigation. Appellant was seeking portions of Witness [REDACTED] July 28, 2016 Internal Affairs (IAB) interview transcript and the audio recordings of the interview. The sought statements concerned a recording Witness [REDACTED] made of a phone conversation between her and Appellant. This information, along with Appellant's July 14, 2016 IAB statement concerning the contents of the recording, were redacted from the Department's investigation and not disclosed to nor relied on by the Department's decision makers.

In his motion, Appellant's counsel asserted under penalty of perjury that the redacted transcript of Witness [REDACTED] contained exculpatory statements which he intends to use to impeach Witness [REDACTED] thereby affirming the relevance of her statement. Witness [REDACTED] statement in this regards requires the recording for context. On July 14, 2017 the Department responded to Appellant's motion and turned over the informally requested material, along with the recording and transcript of the phone conversation and Appellant's IAB statement regarding the recording.

The Department agrees with the Appellant: these items are highly relevant to the issues to be determined by the Commission; specifically the question of whether the allegations are true. The Department will be seeking to introduce them at hearing whether or not Appellant now intends to use them. As demonstrated below, the Department's actions in this regard are not "outrageous." This recording was legally obtained and should be allowed at hearing. The Appellant's motion is completely without merit and should be denied.

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II.
THE RECORDING WAS LEGALLY MADE PURSUANT TO PENAL CODE § 633.5

A. Penal Code §633.5 Enumerates Exceptions to Penal Code §632

In his motion, Appellant's counsel asserts that the making of this recording was a felony crime in violation of Penal Code §632, and he included the text of the statute in his motion¹. However, the making of this recording was NOT a crime. Appellant failed to address the exceptions to §632 as delineated in Penal Code §633.5, which provides as follows:

Nothing in Section 631, 632, 632.5, 632.6, or 632.7 prohibits one party to a confidential communication from recording the communication for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of the crime of extortion, kidnapping, bribery, any felony involving violence against the person, or a violation of Section 653m. Nothing in Section 631, 632, 632.5, 632.6, or 632.7 renders any evidence so obtained inadmissible in a prosecution for extortion, kidnapping, bribery, any felony involving violence against the person, a violation of Section 653m, or any crime in connection therewith. (Emphasis added)

As demonstrated below, the circumstances and the content of this recording qualify it as an exception pursuant to Penal Code §633.5.

B. This Recording Qualifies as an Exception to Penal Code §632 Pursuant to Penal Code §633.5

The facts will reveal that the purpose of Appellant's call (which is the subject of this recording) was to annoy and harass Witness [REDACTED] a violation of Penal Code §653m. Penal Code §653m is a specific exception to §632 and renders this recording legally obtained. In addition, the substance of the call is an attempt to make criminal threats against Witness [REDACTED] in violation of Penal Code §422. When Witness [REDACTED] is later asked how she felt during this conversation, she acknowledged that she was scared. In addition, the facts will show that Appellant regularly repeated these threats to her, keeping her in sustained fear of him throughout their relationship.

Furthermore, the reason Witness [REDACTED] made this recording and sent it to her cousin was for proof in the event anything ever happened to her. Penal Code §633.5 allows recording

¹ The crime of *Recording of Confidential Information* pursuant to Penal Code §632 is a wobbler, meaning it can be charged as either a misdemeanor or felony.

1 "for the purpose of obtaining evidence reasonably believed to relate to the commission by
2 another party to the communication of the crime of...any felony involving violence against
3 the person" (see also *People v. Parra* (1985), 65 Cal.App.3d 879). As it so happens,
4 sometime subsequent to this recording, Appellant engaged in domestic violence against
5 Witness [REDACTED] by grabbing, pushing, restraining and choking her so she was unable to breathe.
6 During the domestic violence incident, Appellant caused bruising to her neck, arms and chest.
7 This satisfied the elements for a violation of Penal Code §273.5² and validated the
8 reasonableness of her fear.

9 i. **Penal Code §653m is an Exception to Penal Code §632**

10 Penal Code §653m reads:

11 (a) Every person who, with intent to annoy, telephones or makes
12 contact by means of an electronic communication device with
13 another and addresses to or about the other person any obscene
14 language or addresses to the other person any threat to inflict
15 injury to the person or property of the person addressed or any
16 member of his or her family, is guilty of a misdemeanor. Nothing in
17 this subdivision shall apply to telephone calls or electronic contacts
18 made in good faith.

16 Witness [REDACTED] complained that Appellant would call her constantly, both when she
17 was on and off duty. He would become angry if she did not immediately pick up his calls. She
18 answered his calls promptly to appease him because she was concerned about what would
19 happen if she did not. During this recording, Appellant is upset because Witness [REDACTED] did
20 not immediately answer when he called because she was already on the phone with her cousin
21 [REDACTED]

22
23 ² Penal Code Section 273.5

24 (a) Any person who willfully inflicts corporal injury resulting in a traumatic
25 condition upon a victim described in subdivision (b) is guilty of a felony, and upon
26 conviction thereof shall be punished by imprisonment in the state prison for two,
27 three, or four years, or in a county jail for not more than one year, or by a fine of
28 up to six thousand dollars (\$6,000), or by both that fine and imprisonment.

(b) Subdivision (a) shall apply if the victim is or was one or more of the following:

(3) The offender's fiancé or fiancée, or someone with whom the offender has, or
previously had, an engagement or dating relationship, as defined in paragraph
(10) of subdivision (f) of Section 243.

1 Throughout the phone conversation recorded by Witness [REDACTED] Appellant expressed
2 his displeasure that Witness [REDACTED] "went against him" when she attended briefing and
3 threatened her repeatedly, "You just fucking wait and see," "Don't worry about it, you'll see,"
4 "Just watch," "It's going to be funny when you fuckin' see just how much influence I have,"
5 "This is for your...fucking going against what I fucking asked you to do," "You're going to see
6 my influence today, a little bit of it."

7 During the conversation Witness [REDACTED] mentions that Appellant claims to be a
8 "Reaper"³ and believes that other Department members will do whatever he wants because
9 they are afraid of him. Appellant responds, "Yeah, you're absolutely right. And you know
10 that, too. And I'm going to fucking – and I'm going to prove it to you." Witness [REDACTED] tells
11 him that she is not afraid of him⁴ and he is not her boss. Appellant responds, "Fucking
12 disrespectful cunt dude," "Yeah, I can't fucking believe you dude, you don't know what you
13 got coming. I'll tell you that right now. You deserve what you got coming. This is what
14 happens to fucking disrespectful fucking bitches. You'll see. Just watch."

15 The obscene language directed at Witness [REDACTED] as well as the threats, clearly satisfy
16 the elements of Penal Code §653m.

17 ii. **Penal Code §422 is an Exception to Penal Code §632**

18 Penal Code §422 reads:

19 (a) *Any person who willfully threatens to commit a crime which will*
20 *result in death or great bodily injury to another person, with the*
21 *specific intent that the statement, made verbally, in writing, or*
22 *by means of an electronic communication device, is to be taken*
23 *as a threat, even if there is no intent of actually carrying it out,*
24 *which, on its face and under the circumstances in which it is*
25 *made, is so unequivocal, unconditional, immediate, and specific*
26 *as to convey to the person threatened, a gravity of purpose and*
27 *an immediate prospect of execution of the threat, and thereby*
28 *causes that person reasonably to be in sustained fear for his or*
her own safety or for his or her immediate family's safety, shall

27 ³ "Reapers" are rumored to be members of a Department clique who share common
28 values and look after each other. Members have a common tattoo as proof of membership.

⁴ The evidence will show that Witness [REDACTED] was terrified of Appellant but did not
want him to know it.

1 *be punished by imprisonment in the county jail not to exceed*
2 *one year, or by imprisonment in the state prison.*

3 Throughout the recorded conversation, Appellant made ongoing threats in an attempt to
4 control Witness [REDACTED] by placing her in fear of him. Although Appellant does not specifically
5 threaten violence, a threat of violence is implied. From the context of the conversation,
6 Witness [REDACTED] seems to perceive him as threatening her ability to function within the
7 workplace rather than a threat of physical harm. However, the crime of attempted criminal
8 threats is accomplished when a person has the intent to threaten, and the threat is sufficient to
9 cause a reasonable person to be in sustained fear whether or not that person is actually afraid
10 (*People v. Chandler* (2014) 60 Cal.4th 50). The statements speak for themselves; Appellant
11 intended to put Witness [REDACTED] in fear, the statements were sufficient to cause a reasonable
12 person to be in sustained fear, and his constantly repeating these threats kept her in sustained
13 fear of him throughout their relationship.

14 **iii. Appellant Had No Expectation of Privacy**

15 This recording constituted an exception to §632 for the reasons stated above. In
16 addition, a recorded conversation is not a violation of Penal Code §632 unless the person being
17 recorded has a reasonable expectation of privacy. The facts of this case demonstrate that
18 Appellant had no reasonable expectation of privacy during this phone conversation. Prior to
19 this conversation, Appellant knew that Witness [REDACTED] had recorded him because he would
20 regularly forcibly take her phone away from her against her objection and without her
21 permission. He would examine her phone to see whom she was communicating with and he
22 would delete text messages and recordings from her phone. During this recorded conversation,
23 Appellant ordered Witness [REDACTED] "Go get your fucking tape recorder," and he repeated, "I'm
24 telling you. Go get your fucking tape recorder." Clearly he had no expectation of privacy; and
25 if he did, his demands that she get her recorder constituted a waiver.

26 **III.**
27 **CONCLUSION**

28 The recording at issue was legally obtained and is highly relevant to the facts of this
case. The Appellant's motion to dismiss is utterly without merit. For those reasons, it must

1 be denied.

2
3 DATED: July 24, 2017

JIM McDONNELL,
SHERIFF

4
5
6 By: 

CHRISTINE ROAM, Sergeant
Advocate for Respondent,
COUNTY OF LOS ANGELES



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



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LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

JUL 14 2017

July 14, 2017

Joseph Scully, Hearing Officer
Los Angeles Civil Service Commission
Kenneth Hahn Hall of Administration, Room 522B
222 North Grand Avenue
Los Angeles, California 90012

Re: Caren Mandoyan v. COLA; Sheriff's Department
CSC 16-276

Dear Mr. Scully:

On June 20, 2017, the Appellant served on the Department and Commission a motion to exclude the entire testimony of Witness Deputy [REDACTED]. The Appellant based his motion on the Department's refusal to provide information which was not included as part of the original investigation. Appellant's request for this material was via an informal email; no subpoena was filed or served.

The Appellant's motion to exclude testimony is without merit inasmuch as the information he seeks was not relied on by the Department's decision maker, and therefore was not part of the Skelly file. There is no due process violation and absolutely no legal authority to grant Appellant's motion to exclude the entire testimony of Witness [REDACTED] and "all of her derivative statements and exemplars" [Petitioner Motion page 2].

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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July 14, 2017

The materials sought concern a recorded phone conversation between Appellant and Witness [REDACTED]. Both Appellant and Witness [REDACTED] were questioned about the recording during their interviews with Internal Affairs. The investigator consulted with County Counsel, and on advice of counsel, the recording and testimony about the recording was not included in the investigative file. That information was never provided to the Department's decision maker, and he did not consider it in reaching his decision to discharge Appellant.

Upon further review, the Department agrees with the Appellant, that the information he is seeking has considerable probative value to the issues before the Civil Service Commission, and the Department intends to introduce this evidence as part of its case in chief.

Attached you will find the items requested by Appellant, to wit:

1. The unredacted transcript pages 16 through 39 of Deputy [REDACTED] [REDACTED] July 28, 2016 IAB interview;
2. The audio recording of Deputy [REDACTED] [REDACTED] July 28, 2016 IAB interview (two files).

Additionally, the following materials were also redacted from the investigative file and are being produced to counsel, as it is the Department's intent to also use these items in its case in chief, to wit:

3. A recording of a phone conversation between Deputy [REDACTED] and Appellant (one file);
4. A transcript of the recorded phone conversation;

July 14, 2017

5. The unredacted transcript pages 85 through 99 of Appellant's July 14, 2016 interview; and

6. The audio recording of Appellant's July 14, 2016 interview (four files).

Because there has been no due process violation and there is absolutely no legal authority for granting Appellant's motion, the Department respectfully requests it be denied.

Respectfully,

JIM McDONNELL, SHERIFF



Sergeant Christine Roam, Advocate
4900 S. Eastern Avenue, Suite 101
Commerce, CA 90040
(323) 890-5413

Attachments: CD containing (7) audio recordings
Unredacted pages 16-39 of the transcript of Witness [REDACTED]
July 28, 2016 interview
Unredacted transcript of Appellant's July 14, 2016 interview
Transcript of recording of phone conversation

CD

██████████ And at any point, did Deputy ██████████ ever say anything about ██████████ sending, that ██████████ may have sent those text messages?

██████████ I, I, when I talked to ██████████ it was just, to my recollection, it was brief about her telling me that I needed to call ██████████ and talk to her, that she had information about what was transpiring, what Mandoyan was doing.

██████████ All right.

██████████ I kept my conversations with ██████████ brief.

██████████ And then at some point, did you make an audio recording of a telephone conversation between you and Deputy Mandoyan?

Chulak: Before she answers that question, sergeant, as we discussed prior to going on tape, it appeared to me the Department, prior to her previous interview, was aware of this recorded conversation. It's my understanding that this line of questioning now pertains to a potential allegation against Deputy ██████████ specifically recording Deputy Mandoyan without his consent. On behalf of Deputy ██████████ I would just like to note for the record an objection to this line of questioning and any other questions. Specifically, it's my position that the Department was aware of this potential misconduct during her first interview, and at the time those questions were asked, and all indicators could potentially be misconduct or her answers could be cause of action as such, I believe, not true in the strictest sense. Her rights under the Public Safety Officers Bill of Rights Act, specifically section 3303, were violated. She had the right, I believe, at that time, to be advised that her answers could subject her to discipline. And at that point, had a right to confer with counsel and request a representative and it appears that that was not provided to her. So strictly speaking, I would like to make that objection for the record and we reserve the opportunity to amend that at a later time as my understanding of those circumstances develop. Deputy ██████████ notwithstanding my objection, Sergeant ██████████ could still order you to answer those questions, and if he does, my advice to you is you're still required to answer those questions at this time. And your failure to do that can lead to insubordination, and so in other words, you no choice but to answer them over my objection. Do you understand?

██████████ Yes.

Chulak: And Sergeant, are you going to order her to answer these questions notwithstanding my objection?

██████████ Yes.

Chulak: Okay. So [REDACTED] you need to answer them.

[REDACTED] And your objection has been noted. And also, no questions were asked of her regarding the recording, because we did not have a copy of the recording at the time of that interview. Okay. So going back to the question. Did you at some record a telephone conversation between you and Deputy Mandoyan?

[REDACTED] Yes.

[REDACTED] When did that recording take place? What date?

[REDACTED] I don't remember the specific date.

[REDACTED] And tell me what you remember about that telephone conversation, why you recorded it, and if you could just explain that.

[REDACTED] I, he was...

Chulak: You want her to start first, sergeant, of what she recalls about the conversation?

[REDACTED] I would like to know as much detail about the conversation.

Chulak: Okay [REDACTED] so he actually asked you two questions in that question. I would say first, describe what you recall about the conversation as the first part of his question, and then...

[REDACTED] Well, let's start off with why. Why did you initiate the telephone recording?

[REDACTED] I initiated the recording because he had made several threats against me, against my career to put a case on me, and just, he would always get mad at me and yell at me for going to briefing or, you know, accuse me of talking to people. And by talking to people, any type of general conversation. And at that point, yeah, I just had grown to the point of, I, if this were, if he would ever follow through on these threats, I wanted to be able to have some sort of evidentiary support to protect myself at a later date, if that ever came to fruition.

[REDACTED] And you used the word evidentiary support. Would you consider yourself collecting evidence for a future prosecution or...

[REDACTED] No. I wouldn't say that. Just more like proof that this is what he had, you know, had done. I didn't put it past him to lie about, you know, his behavior during the course of our relationship and the things that he would

threaten me with. I never put it past him to do that. So I recorded a conversation.

Did you make the recording because you were fearful of him?

Yes.

When you made that recording, were you on-duty at work?

Yes.

In uniform?

Yes.

As a Deputy Sheriff?

Yes.

Were you working West Hollywood at the time?

Yes.

Or Universal City?

West Hollywood.

And how are you so sure that you were working West Hollywood at the time?

Because I remember being in one of the parking lots in West Hollywood. I was working was working West Hollywood at the time.

And so were you working as a one-deputy patrol unit that day?

Yes.

And what is your understanding of California law related to recording somebody's telephone conversation?

I was unaware that there was a law prohibiting the recording of anybody recording a conversation with someone.

And what is your understanding of Department policy related to recording another Department member?

[REDACTED] I was unaware that there was a policy.

[REDACTED] And when you made that recording, do you know if Deputy Mandoyan was on-duty or off-duty?

[REDACTED] I believe he was off-duty. He was off-duty.

[REDACTED] And then about the conversation. Tell me what you remember about what was said between the two of you during that telephone recording.

[REDACTED] To my recollection, he was yelling at me about going to briefing, telling me not to be too tired by the end of my shift. Just yelling at me, I think, for talking to my cousin on the phone, and, and just accusatory, type of rhetoric from him.

[REDACTED] What, what cousin?

[REDACTED] My cousin [REDACTED]

[REDACTED] And you mentioned the briefing aspect. Why was it, and we talked about, you had mentioned in the previous interview that he didn't want you going to briefings. And why was that?

[REDACTED] I have no idea.

[REDACTED] He never explained why?

[REDACTED] No, he just told me that he didn't want me going to briefing. There was no pertinent information at briefing and West Hollywood was a joke. So...

[REDACTED] And a joke how? I mean, what was his take on...

[REDACTED] He just felt that the station was, or, yeah. He felt that the station was a joke.

[REDACTED] As far as, how did that telephone conversation begin? Did you call him, or did he call you?

[REDACTED] He called me. I don't, I believe he called me. I don't know. I feel like he called me.

[REDACTED] But you're not sure?

[REDACTED] I'm not sure.

[REDACTED] Okay.

██████ He had been calling and calling and calling and calling. I don't know if it was me answering the call or me calling back. I, I can't remember.

██████ And then as far as, you've already said that you knew you were on-duty in West Hollywood. So what would be your estimate of when this recording was made? Because you worked at West Hollywood and then you were also up at Universal City Walk towards the end of your tenure at West Hollywood station. Correct?

██████ Yes.

██████ So this phone conversation was obviously made in West Hollywood. You already said that. So at what point would be your estimate, like month, year, do you think that you would have made this recording?

██████ I...

Chulak: You can give him a range of time ██████ for example you know, at least I hope you can recall the time you were at the station.

██████ So let's do it this way.

██████ I don't even remember the dates that I went to Universal.

██████ And that's what I was going to...

██████ That's, yeah. I don't remember the date that I went to Universal.

██████ Roughly how long were you assigned up at Universal? How many months would you estimate?

██████ Maybe a year.

██████ So is it safe to say you were assigned at West Hollywood, combination of the two approximately how long?

██████ Maybe three years.

██████ And so obviously, your last year, you were up at Universal City Walk.

██████ Yes.

██████ Is that your estimate?

██████ Yeah.

And then...

I'm having a hard time recalling because I was IOD for five months here and six months there. So I'm having a hard time kind of, if that makes sense.

So is it safe to say that that recording was made before you were assigned up at West Hollywood?

No.

So...

Before I was assigned to...

I'm sorry. Up at Universal. So approximately two-thirds of the way potentially between year one and two of your assignment at West Hollywood?

Sure.

And you were on training for the first six months, right?

Right.

So did it occur during that time?

No.

Was it your memory that he had already transferred out of West Hollywood to South L.A?

Yeah, yeah. He was at South L.A. I'm sorry.

So it occurred somewhere between the time of him transferring to South L.A. and prior to you going up to Universal City Walk?

Yeah.

And so what I'd like to do now is, I'd like to play the audio recording for you. I'll pause the recorder. We'll listen to it. And then we'll go back on tape and I would like to ask you some further questions with a little more detail about the conversation. Before I pause the recorder though, what would your estimate be about how long you recorded that conversation?

██████ I don't know. Two minutes. I, I don't recall.

██████ And how long do you think the conversation, did you start the recorder right at the beginning of the conversation, or did it start like as the conversation was already going?

██████ I'm not, I, I don't know. I don't know.

██████ All right. I show the time as 1054 hours. So what I'm going to do is, I'm going to pause the recorder. We're going to listen to the audio recording, and we'll come back on and I'll ask you some additional clarifying questions.

██████ Okay.

Job # 50777 ends. Job # 50778 starts.

██████ All right Sergeant ██████ We are back on tape. The time is 1113 hours. We took a break to listen to the audio and then additionally there was also a break for Deputy ██████ to consult with her attorney and so, after listening to the recorder Deputy ██████ did you hear your voice in the recording?

██████ Yes.

██████ Did you hear Deputy Mandoyan's voice in the recording?

██████ Yes.

██████ Listening to that now do you have any better estimate of when the conversation took place?

██████ As far as the date, no. But around 5-ish.

██████ 5:00 p.m.?

██████ Yes.

██████ And, and how do you know that?

██████ Because I made reference to it being after five.

██████ And were you working a PM shift at the time?

██████ Yes.

██████████ And is it after listening to this is it apparent to you that you were on-duty at the time of the telephone conversation?

██████████ Yes.

██████████ All right. And did you hear some Sheriff's Department like radio traffic in the background?

██████████ Yes.

██████████ Was that on your end?

██████████ Yes.

██████████ Of the conversation? And after listening to this was there any indication to you if Deputy Mandoyan was on or off-duty?

██████████ He was off-duty.

██████████ And then how do you know that?

██████████ Because he was driving to meet me.

██████████ And at the time that you made this recording do you recall where you were when you made the recording?

██████████ I was around Almont Street.

██████████ In your patrol car?

██████████ In my patrol car.

██████████ And after listening to this can you tell who initiated the telephone call?

██████████ No I can't tell who initiated the phone call.

██████████ After listening to this do you have any idea of how long the conversation may have been going prior to the recording starting?

██████████ I don't know how long it was going prior to.

██████████ All right and in the beginning of the conversation there was a reference related to a female. Who is that female that you were talking about?

██████████ My cousin ██████████

[REDACTED] And why were you discussing [REDACTED]

[REDACTED] Because I was on the phone with [REDACTED] I was talking to [REDACTED]

[REDACTED] Prior to this?

[REDACTED] Prior to talking with him.

[REDACTED] And then did Deputy Mandoyan have some sort of issue with you speaking to her?

[REDACTED] Yes.

[REDACTED] And why was that?

[REDACTED] He didn't want me speaking to anybody.

[REDACTED] And after listening to this do you have any additional commentary as far as why he didn't want you speaking to other people?

[REDACTED] I don't know why he didn't.

[REDACTED] At some point did you hear him say that he was going to call [REDACTED]

[REDACTED] Yes.

[REDACTED] And was it common for him to speak to [REDACTED]

[REDACTED] No.

[REDACTED] Why would he say that he was gonna call [REDACTED]

[REDACTED] I, to be antagonistic I guess.

[REDACTED] All right. And, and you have no idea why you were discussing or arguing about [REDACTED] and you speaking to her?

[REDACTED] No because I didn't click over I'm sure for him, because I was talking to my cousin.

[REDACTED] Oh, so you were maybe speaking to her...

[REDACTED] On the phone.

[REDACTED] ...and then he was trying to call you?

██████

Yes.

██████

After listening to this recording do you remember what was said prior to the recording starting?

██████

No.

██████

At any point did you hear yourself telling Mandoyan that you were recording the conversation?

██████

No.

██████

Did you tell him that you were going to record it prior to the recording starting?

██████

No.

██████

And then once again now that we've listened to this, is it clearer to you why you made this recording of the conversation?

██████

It, it's been the same reason I made that recording is this isn't the first time that he would get mad at me for going to briefing.

██████

And at some point did you hear Mandoyan telling you to get your recorder?

██████

Yes.

██████

Why would he tell you that?

██████

I don't know.

██████

Was there ever an issue of the two of you recording each other before?

██████

No.

██████

And you have no idea why he told you to...

██████

I take that, not that I take that back but I would have like I said one thing, I just made this in my previous interview he had found things that I had saved from him in my phone and he would delete everything so. He might have just assumed that I would record our conversation.

██████

All right. And in reference to this telephone conversation now that you've listened to it, can you, can you reference to any of the bigger incidents between you and Deputy ██████ as far as was this recording made maybe

before or after you video recorded him attempting to break him into your apartment, is...

[REDACTED] No that was made before.

[REDACTED] The videos?

[REDACTED] These audios.

[REDACTED] Or the audios?

[REDACTED] The audios were made before the videos.

[REDACTED] And correct me if I'm wrong but the first video you made of him the daytime incident was that December of '14 that he was attempting to break in?

[REDACTED] It might have been.

[REDACTED] And just to be clear your estimate is is that this audio recording occurred before those video incidents of him trying to break in.

[REDACTED] To the best of my recollection, that's what I believe.

[REDACTED] At some point did you hear Mandoyan's voice saying something to the effect of wait and see?

[REDACTED] Yes.

[REDACTED] What did he mean by that? What was your perception of what he meant by that?

[REDACTED] My perception was wait and see, I, you know, again with his threats of I'm going to, to make your career your life a living hell.

[REDACTED] Did you feel that he was somehow going to retaliate against you?

[REDACTED] Yes.

[REDACTED] And then earlier, early on in the conversation Mandoyan said he had just gotten the phone with somebody. Did you hear that?

[REDACTED] I, I heard that but I didn't catch the name. I'm guessing it was one of our watch deputies.

[REDACTED] It sounded like the name Morien. Do you know somebody name Morien?

[REDACTED] No.

[REDACTED] Did, was there a, is there a Sergeant Morien that works West Hollywood Station?

[REDACTED] Oh, yes. Yes. Sergeant Morien. Yes.

[REDACTED] So why would Mandoyan say he just got off the phone with Sergeant Morien?

[REDACTED] I don't know.

[REDACTED] Are the two of them friends?

[REDACTED] Yeah, the two of them are friends.

[REDACTED] And did you work with Sergeant Morien at West Hollywood?

[REDACTED] Yes.

[REDACTED] And was he also on PMs at the time?

[REDACTED] He might have been working the, yeah.

[REDACTED] Was there, go ahead.

[REDACTED] He was my sergeant.

[REDACTED] All right.

[REDACTED] One of my sergeants.

[REDACTED] Did you ever have any issues with Sergeant Morien?

[REDACTED] No.

[REDACTED] Was had you experienced anything where Mandoyan was using a sergeant's name as like trying to threaten you like I'm going to use a sergeant, you know, whoever somehow in some way against you.

[REDACTED] Yeah.

[REDACTED] And explain that.

██████ I mean he would just in the same way, in the same sense as we did. It was always I'm gonna call whatever buddy I have over there and you're gonna get all the calls, you're gonna deal with everything and just kind of you know was that harassment or hazing in some way shape or form if I don't go along with his program.

██████ Did you ever name people specifically that he would contact or did he just keep like vague threats?

██████ He would name people. It was never vague. He always had a name.

██████ Do you recall any of those names as we sit here today?

██████ No.

██████ And then once again after listening to that is there any reason or can you understand why he would mention Sergeant Morien's name. That he had just gotten off the phone with him?

██████ I believe Sergeant Morien, Sergeant Morien might have been the sergeant that night.

██████ Are, are you personal friends with Sergeant Morien?

██████ No.

██████ Is, and do you know if Mandoyan is personal friends with him?

██████ He said he was friends with the guy.

██████ Do you know if they ever worked together anywhere?

██████ I believe they did at Lennox. I'm but I can't be 100% sure.

██████ Have you ever worked with Sergeant Morien other where, anywhere other than West Hollywood?

██████ No.

██████ And once again did you hear comments that Mandoyan made something to the effect of don't worry about it, you'll see. What was your perception of these types of comments.

██████ They were just retaliatory in nature.

██████████ When you heard these conver, these comments made do you, now that you listen to the recording do you recall suffering any type of what you would consider harassment later that night after this conversation?

██████████ No. As far as like getting all the calls or any...

██████████ Whatever you...

Chulak: Anything. I think the sergeant is just asking a broad question. Did you see anything that you perceived personally as retaliation about his comments?

██████████ No. No.

██████████ Yeah. And that's, that was my question, is did, after this phone conversation did you perceive anything happening to you later on in that shift?

██████████ No.

██████████ Not like an increase of calls dispatched to you, or anybody treating you differently, anything like that?

██████████ No.

██████████ And then how would you classify what you were feeling at the time of this conversation. And what was your feelings?

██████████ My feelings were basically just kind of trapped, like as far as I felt like if I got off the phone with him he was going to call, he would show up, he would find somebody that had a radio car and find me on the GPS system. I felt just overwhelmed I guess you could say with, with the type of, you know, just harassment of me just going to briefing. I, I just wanted to do my job. Come to work, do my job and go home.

██████████ And after, go ahead.

██████████ And, and just and getting these phone calls from him all the time and nightly gets, it gets to be, you know it got to be unbearable and I guess I mean that's my real feelings. That's how I felt.

██████████ All right. At some point did you hear a name Arreola in the conversation?

██████████ Yes.

██████████ Who is Arreola?

[REDACTED] Another deputy that works at West Hollywood.

[REDACTED] Male? Female?

[REDACTED] Male.

[REDACTED] What's his first name?

[REDACTED] I don't know.

[REDACTED] Why the attention on Arreola? Why was he asking questions about Arreola?

[REDACTED] I had no idea.

[REDACTED] But he was a deputy at...

[REDACTED] Uh-huh (AFFIRMATIVE).

[REDACTED] ...West Hollywood at the time?

[REDACTED] Yes.

[REDACTED] And you don't know his first name?

[REDACTED] I don't know his first name.

[REDACTED] How tenured of a deputy was he? Would your estimate be? Was he a newer deputy?

[REDACTED] He was, I believe he was a newer deputy and he was, he was newer to the station. I don't really I didn't really talk to the guy. I never...

[REDACTED] Did you, do you know if he's still working there?

[REDACTED] I have no idea.

[REDACTED] At some point Mandoyan called him a quitter. Did you hear that?

[REDACTED] Yes.

[REDACTED] Why did he call him a quitter?

██████ I believe that, well according to Deputy Mandoyan, I think Arreola had tried to roll it up from training and so he just always called him a quitter after that. Or referred to him as a quitter.

██████ And did, do you know if Arreola ever made it off field training?

██████ I believe he did yes.

██████ Before or after you? You have any reference?

██████ After me.

██████ And then at some point did you hear Mandoyan's voice basically saying something to the effect you were going against him?

██████ Yes.

██████ And what was that about?

██████ Going against him asking me not to go to briefing, you know, any time that I would do something against what he wanted me to do basically.

██████ All right and at some point, oh did you ever have any issues with Arreola like him hitting on you or asking you out on dates?

██████ No.

██████ All right. And at some point it sounded like Mandoyan called you a liar. What was that about or reference to?

██████ I don't know. He always would call me a liar.

██████ And then at some point did you hear his voice saying something to the effect you're going to see my influence today?

██████ Yes.

██████ And then once again just to be clear did you suffer any kind of harassment or retaliation or anything later after this phone call?

██████ No.

██████ And do you know what he meant by that comment? What he was inferring?

██████ I believe that he was inferring was to him being the reaper.

██████████ And did you feel threatened by his statements?

██████████ Yes.

██████████ And at any point during this conversation do you think that you were intentionally trying to irritate him or provoke him?

██████████ No.

██████████ To, to come up with some sort of responses you know to agitate him?

██████████ No. I wasn't trying to provoke him.

██████████ And then aft- listening to this conversation do you have any idea of where you were at in the relationship with him?

██████████ Probably more towards the end. I mean I feel like I tried to break up with him several times during the course of the relationship and it just...

██████████ And you, you mentioned the comment reaper right now and then also in the telephone recording. What, what did you mean by reaper?

██████████ I'm referencing the station tattoo reaper for South L.A. or Lennox.

██████████ And did that, does Deputy Mandoyan have a reaper tattoo?

██████████ Yes.

██████████ And where it is located?

██████████ I believe on his inner left ankle.

██████████ And you have personally seen this?

██████████ Yes.

██████████ All right. And what did you mean by that comment when you brought up the reaper?

██████████ Can you be more specific?

██████████ You, you brought up the issue of the reaper why did you bring that up in the conversation?

██████████ Because he was saying I'm going to see just how influential he was.

██████████ And by him having a reaper tattoo what does that mean to you? Or what is your perception about that?

██████████ My perception is that they, the reapers have influence over our Department.

██████████ And did you suffer any type of retaliation or harassment from any other individuals?

██████████ I have not.

██████████ And, and then just to be clear to you is your understanding that somebody with a reaper tattoo is somebody who is affiliated with the Sheriff's Department and had maybe been assigned to South L.A. or Lennox station?

██████████ Yes.

██████████ And the reaper tattoo can you describe what it looks like?

██████████ It's a picture of a grim reaper holding a, what is it called? A staff with...

██████████ Like a scythe?

██████████ Yeah. And then inside of what it say inside of that it has either South L.A. or Lennox and then over off to the side if it it has the number they are. Like which number reaper they are.

██████████ All right. Do you recall seeing a number on his tattoo?

██████████ Yes. His is number 98.

██████████ And was the reaper performing any type of act? The tattoo?

██████████ No.

██████████ And then around the time that the reaper comment was made during the conversation did you hear Mandoyan saying something to the effect that he should have never told you anything?

██████████ Yes.

██████████ And what, what was your perception of what that comment was about?

That, that he shouldn't have told me because I don't know. He shouldn't have told me.

And then at some point did you hear your voice basically making a comment to the effect of you're a reaper and people would be afraid of you or should be afraid of you. Something to that effect?

Yes.

And what did you mean by that?

I just meant like from all the different like threats that he would make and, and all the prior conversations that he had had regarding his status now as a reaper and they're influence through the Department and their ability to send someone someplace else or get rid of someone and by means of you know have them demoted or have them fired or put a case on them or, yeah in that effect.

And, and at some point did you hear Mandoyan say that you were crazy?

Yeah.

Do you remember hearing yourself calling him crazy?

Yes.

Was there anything to that? You calling, both of you calling each other crazy?

I mean no other than he's being crazy for me going to briefing.

All right and at some point did you hear Mandoyan's voice refer to you as a disrespectful cunt?

Yes.

And what are your feelings about that comment?

Very inappropriate.

And were you offended by them?

Yes.

Was it common for him to use this type of language towards you?

█ Yes.

█ And also during the conversation there was some sort of comment to the effect that he was gonna sit back and laugh. What is your perception related to that comment.

█ He was gonna sit back and enjoy whatever chaos he...

█ Created?

█ ...created.

█ Did he ever create any chaos for you related to this telephone conversation?

█ No, that I.

█ And then at some point did you hear Mandoyan say something to the effect that, that you, you were taking a default easy out? Do you know what he meant by that?

█ By me saying it's over.

█ The relationship?

█ Yes, the relationship is over. Because I would say that to him all the time.

█ Say what?

█ It's over, leave me alone.

█ And then and after listening to this conversation do, did Deputy Mandoyan come meet you while you were on-duty at work?

█ Yes.

█ And where did he meet you at?

█ On, at this, that parking lot, on....

█ Was that the Almont?

█ Yeah, it was Almont.

█ What would be the cross street with that?

██████

Beverly.

██████

Is that a common place where West Hollywood personnel might park and write paper or?

██████

Yes.

██████

And was there a name of a restaurant that you heard in that conversation?

██████

I don't...

██████

We'll come back to that one. And is, is that Almont location is that next to a restaurant?

██████

No.

██████

And then going back to the briefing comment after listening this was there a specific reason on this day that the recording was made that he did not want you to go to briefing?

██████

He never wanted me to go.

██████

On a continual basis?

██████

Yeah.

██████

But was there anything unique about this particular day?

██████

No.

██████

And at some point did you hear Mandoyan's voice calling you a coward for for going to briefing?

██████

Uh-huh (AFFIRMATIVE).

██████

Why would you be a coward for going to briefing?

██████

Maybe I, I don't know why I'd be a coward for going to briefing. In his, maybe he or my opinion of what he might have thought I was a coward for going to briefing, because I would it wouldn't be like uncommon for me to like briefing was so lame today. You know, and then him saying well stop going and I would say no I can't not go I have to go to briefing and then he would come in with well don't go and I don't want you to go, and but I would still go to briefing because it's my job to go to briefing.

Yeah. And could you suffer some repercussions if you didn't attend briefing?

Yeah, I'm sure.

And then at West Hollywood at the time you were working there did the shift basically always start with a briefing unless there was some sort of....

Yeah, unless it was a priority call.

And then that Almont that you talked about that's a street in the patrol area of West Hollywood station?

Yes.

And as you listened to that recording could you tell if you were parked somewhere, if you were driving? Do you have any indication? You already mentioned you were in the patrol car.

Yeah.

Do you have any other thoughts about...

I don't recall if I was, I, I want to say I was parked. I'm not sure.

And at some point during that conversation Mandoyan said something to the effect of and I hope you're not tired at midnight. Do you recall what your shift was back at this time period?

It was 1600 to 0200.

So you would have been on-duty at midnight?

Yeah.

And all right. At some point he made a comment to the effect of and I'm going to fucking, I'm going to prove it to you. Did he prove anything to you after this conversation?

No.

And at some point during the recording you made a comment that, you said something to the effect that you think I'm afraid of you. Were you afraid of him at the time of this recording?

Yes, I was afraid of him. I just never wanted to give him the benefit of knowing I was afraid of him.

And then the very next one, comment you made was it's so funny. So what did you mean by that? If you felt afraid of him?

It's funny like, it's really ironic, it's just, not comical or funny or anything like that just the fact that he was accusing me of smiling and saying hi to you know a fellow deputy or going to briefing and just to me it was just so irrational that I might use the, I used the word funny but like...

It wasn't...

...it was just so irrational for him to be upset about it.

So just to be clear did you find this situation funny?

No I did not find the situation funny.

And then at some point he also made another comment this is what happens to fucking disrespectful fucking bitches. Is that more language you had experienced during the relationship...

Yes.

...that he would use towards you? And were you offended by this type of a comment?

Yes.

And then at some point when you were discussing the briefing he said something to the effect, "I didn't want you to go to briefing," you replied, "Why is that?" and he replied, "Because it's a statement. It's a fucking statement." What would the statement be?

The statement being that he would just didn't want me to go and he would tell people that I hated being at West Hollywood and like he would tell other people that worked West Hollywood that I hated being at West Hollywood and by me going to briefing I assume he was, portraying a different idea than he was trying to portray to other people.

When, when he, when he's using his verbiage it's a fucking statement is that, is he like trying to encourage you to be like a recalcitrant deputy or...

Yes.

██████████ ...or be like a troublemaking deputy to the supervisors at West Hollywood?

██████████ Yes.

██████████ Do you feel that you ever were a troublemaking type deputy at West Hollywood?

██████████ No.

██████████ And then at some point you made a comment, "Because you're untouchable right?" What did you mean by that?

██████████ Meaning you know people that will help you out of any situation. You're untouchable.

██████████ All right and was that related to him being a, having a reaper tattoo?

██████████ Yes.

██████████ All right. Is there anything else that I haven't asked you that you feel is important and related to this investigation?

██████████ No.

Chulak: Thank you for the opportunity sergeant, I'm don't have any clarifying questions.

██████████ I show the time is 11:40 and that will conclude the interview.

End of interview.

Mandoyan: It's facing east.

[REDACTED] Okay.

Goldfeder: And these are all in the little courtyard or backyard patio area?

Mandoyan: Yeah, it's just her patio, right.

Goldfeder: Okay.

Mandoyan: She had a, she was on the top, second floor, no other neighbors next to her, just below and then she had her own big patio where you can just walk up the stairs and go into the patio.

[REDACTED] And then you talked about it being, there being another door, maybe a primary regular door, correct?

Mandoyan: A front door.

[REDACTED] And what direction would that...

Mandoyan: That's facing north.

[REDACTED] That's facing north, okay. All right. Anything else about the videos before I pause the recorder?

Mandoyan: Yeah, I, I never broke into her place.

[REDACTED] Okay.

Mandoyan: I was just trying to talk to her and apologize.

[REDACTED] Okay. I show the time is 1326. We're going to pause, go off, listen to some audio and then come back on.

(Off the Record)

[REDACTED] All right, Sergeant [REDACTED] The time is approximately 1337 hours. We're back on tape. We just listened to an audio recording that was a little over nine minutes in length and Deputy Mandoyan, after listening to this, did you hear your voice on the recording?

Mandoyan: Yes.

[REDACTED] Did you hear [REDACTED] voice on the recording?

Mandoyan: Yes, I did.

██████████ After listening to this recording, can you tell me when this conversation occurred?

Mandoyan: I don't remember when that occurred, but I do remember the context of the conversation.

██████████ Okay. And was she at work on-duty at the time of this conversation?

Mandoyan: Yes.

██████████ And what about you?

Mandoyan: I don't know where I was.

██████████ Could you hear some Sheriff's radio traffic in the background during the conversation?

Mandoyan: Yes.

██████████ After you listened to this telephone conversation between the two of you, did it appear to you that the radio traffic was on her side or your side?

Mandoyan: I couldn't tell, but it was from her side. It sounded like it was from her side.

██████████ Okay. I mean, I just want to be clear.

Mandoyan: Right, it was from her side.

██████████ Is that what you believe, that it was on her side?

Mandoyan: Right.

██████████ Okay. In the beginning of the conversation, who was the female that you and ██████████ were discussing about not, or something in relation to speaking to her?

Mandoyan: I think it was ██████████ her cousin ██████████

██████████ And who is ██████████ I mean, you say her cousin, but how did she fit in to this conversation?

Mandoyan: I have no idea.

██████████ Do you know why you were having this conversation about ██████████

Mandoyan: No.

██████████ Do you know, it sounded like you were saying that you would call ██████████
Did you hear that?

Mandoyan: Yes.

██████████ Why would you call ██████████

Mandoyan: To speak to ██████████

██████████ Okay. Is it, was it common for you to speak to ██████████

Mandoyan: No, but I knew ██████████ would come over and, yeah.

██████████ All right. After listening to that, is there any reason or anything in your
recollection of why there would be this kind of argument about ██████████ and
██████████ speaking to ██████████ or calling ██████████

Mandoyan: The argument wasn't really about ██████████ I don't, again, I don't know, I
don't remember why about ██████████ but the argument wasn't really about
██████████

██████████ Okay. And then obviously it sounds like this recording was made at
some point like, the conversation was already going for a while, is that
your understanding?

Mandoyan: Yes.

██████████ Okay. Do you remember what was being said prior to this recording
starting?

Mandoyan: No, sir, I don't remember.

██████████ All right. Do you have any idea how much time may have been, you
may have been talking to ██████████ before she started that recorder? I
mean, was this a very long conversation or...

Mandoyan: Yeah, it was probably a lot longer than that.

██████████ Did she ever tell you she was recording you?

Mandoyan: No, sir, I had no idea.

██████████ What is your understanding about Department members recording other Department members?

Mandoyan: It's illegal.

██████████ What do you mean by illegal?

Mandoyan: Well, it's out of policy. You're supposed to advise somebody when you're recording them.

██████████ Okay. At some point, did you hear your voice telling her to go get a recorder or her recorder?

Mandoyan: Yes.

██████████ Why were you telling her that?

Mandoyan: I don't remember why.

██████████ Okay. And I just want to be clear, you had no idea she was recording you with this conversation?

Mandoyan: Absolutely not.

██████████ Okay. At some point, it sounded as if you said, "Wait and see." What, did you hear that?

Mandoyan: Yes.

██████████ What did you mean by that?

Mandoyan: Just an immature statement. I meant nothing by it.

██████████ Early on in the conversation, you said that you had just gotten off the phone with somebody and you had said a name. What was that name?

Mandoyan: I think Morien, it was like her sergeant.

██████████ Okay. And do you know Sergeant Morien?

Mandoyan: Yeah, I know her.

██████████ And your conversation with Sergeant Morien, in relation to this conversation, was there any nexus?

Mandoyan: No.

██████████ What had you talked about with Sergeant Morien?

Mandoyan: I don't remember what, yeah.

██████████ And how do you know Sergeant Morien?

Mandoyan: I knew, I know him because I work there.

██████████ At West Hollywood?

Mandoyan: Yes.

██████████ Was he a sergeant there at the same time you were?

Mandoyan: Yes.

██████████ Okay. Do you know him from anywhere else on the Department? Have you worked anywhere else with him?

Mandoyan: He was, he was assigned at Lennox and I was a reserve.

██████████ Was he a deputy or a sergeant back then?

Mandoyan: He was a deputy.

██████████ And then once again, it sounded like several times there was, you were saying something to the effect of "Don't worry about it, you'll see." What was that in relation to?

Mandoyan: It meant absolutely nothing, just...

██████████ Was it some sort of threat to her?

Mandoyan: No. I never, I, no.

██████████ And then at some point, you said "Just watch," what did you mean by that?

Mandoyan: I meant nothing by it. Probably just, we were arguing and I probably just said something just to say it.

[REDACTED] Did, as you listen to yourself in this conversation, were you upset?

Mandoyan: Yeah, I was a little agitated. I was agitated. We both, I guess we were arguing.

[REDACTED] What were you agitated about?

Mandoyan: Well, I remembered the briefing question, the, about the briefing. That was, she didn't want to go to briefing and I said okay, fine, I supported her. And then because I guess there was somebody there that I guess was hitting on her, whatnot, I said okay, then, don't go. And then when she went and I like telling her, I was like why did you go? I don't understand why you went if you weren't going to, you know, don't go there. Why did you go. That's the only time when I was asking her, if you don't want to go because this person's there, that Arreola guy, you know, because there was a guy that would hit on her, I said if you don't want to go, don't go. You know, I said, so...

[REDACTED] Okay. Was Arreola a deputy at West Hollywood at the time?

Mandoyan: Yes.

[REDACTED] What's his first name?

Mandoyan: I don't remember.

[REDACTED] Does he still working there?

Mandoyan: I don't know, sir.

[REDACTED] And then at some point, it sounded like you said she was going against what you had asked her to do and what was it that you asked her to do?

Mandoyan: No, because she was, she said she wasn't going to go to briefing and I said okay, fine. And I was just telling her, like why would you go if you weren't going to go. That's what that was about.

[REDACTED] Okay. And then remember earlier on in the interview I had asked had you ever told her not to go to briefing.

Mandoyan: Well, I never specifically said don't go to your briefings, you know, but this one was something that she had suggested.

██████████ Okay.

Mandoyan: That's what it was. It was never me demanding her. I would never, I wouldn't demand her not to attend her briefings. This is something that she had suggested and I had said okay, you know.

██████████ At some point, it sounded like you were talking about this Arreola and that he was a quitter. Why did you call him a quitter?

Mandoyan: I didn't call him a quitter. He had the reputation, because I guess people would call him that because he'd tried to roll it up as soon as he got there. And people said, oh, he quit right away. But that was, she used to call, actually she's the one that gave him that nickname.

██████████ Okay. And is it your understanding this Deputy Arreola actually made it off training at West Hollywood Station?

Mandoyan: I believe he did.

██████████ Okay. And at some point, it sounded like you were telling ██████████ that she was a liar. What was that about?

Mandoyan: I don't remember, I don't know what the context was. Either she said, I think maybe because she said she wasn't going to go and then she went. I said, well, you lied, you said you weren't going to, you know, I said, you know, that could have been in that context, but I don't specifically remember. Because it was her that said she didn't want to go or she wasn't going to go.

██████████ All right. And then at some point, it sounded like you said, "You're going to see my influence today." What does that mean?

Mandoyan: It was just an immature comment. I never did any, you know, it was probably something I said out of frustration, but I've never done anything to this girl.

██████████ Did you follow through with anything, like contact somebody at work to try and have her assigned more calls than usual or anything like that?

Mandoyan: No, sir, I never did that. We were just having an argument and she had a way of egging me, so...

██████████ Okay. And then was there, and I just want to be clear on this. Was there anyone that you contacted where you, somebody maybe that

would have been on-duty at the West Hollywood desk and, that you may have directed or contacted and said you know, load her up, give her all the calls?

Mandoyan: No, sir. I would have, I would not have done that anyways, because that would be silly if I called and just tell them, you know, send my girlfriend all the calls in the world. I wouldn't have done that.

██████████ Okay. And this conversation, as we listened to it, what is your understanding, were you together at this point or had you broken up and were in this reconciling type phase or what was your understanding?

Mandoyan: My understanding, I think we were still together because, yeah. Again, I don't remember. I remember the nature of it. I don't remember the time frame of it.

██████████ Okay.

Mandoyan: I haven't, like I said, it's been almost two years, so I don't recall every text or every phone conversation I had with her.

██████████ Okay. And at some point, it sounded like she said that "You're a reaper." What did she mean by that?

Mandoyan: She probably, I don't know, the station I belong to or I don't know.

██████████ All right. Did you ever tell her that you were a reaper or a member of some sort of deputy group?

Mandoyan: I never told her. It was something that, you know, she was with me and I never told her.

██████████ All right. Do you have any type of reaper tattoo or anything?

Mandoyan: I have a station tattoo.

██████████ And what is the tattoo of?

Mandoyan: It's a reaper with, yeah.

██████████ Okay. And is that tattoo in relation to Lennox Station, South L.A., West Hollywood?

Mandoyan: It's just, it's a station tattoo for South L.A.

██████████ Okay.

Mandoyan: But she knew I had it, so I never...

██████████ She had seen it before?

Mandoyan: Yeah, she knew, yeah.

██████████ And around that time that she was talking about the reaper comment, it sounded like you replied that you should never have told her anything. What did you mean by that?

Mandoyan: I never told her anything about anything.

██████████ And at some point, it sounded like said that "You're a reaper and people would be afraid of you." What was that comment about?

Mandoyan: I have no idea, just her trying to egg me on or she just trying to...

██████████ And at some point, it sounded like you said that she was crazy. Did you hear yourself say something to that effect?

Mandoyan: I heard, yeah, just something that I said to her. We were having an argument. That's what it was. It was just a verbal argument. She would egg me on or she would curse at me and she would just, she'd use profanity or she'd try to put me down and disrespect, be very disrespectful.

██████████ And did she also, did you also hear her voice saying that you were crazy?

Mandoyan: Yes. We'd call each other crazy.

██████████ And at some point, did you hear yourself call her a "disrespectful cunt?"

Mandoyan: Yes.

██████████ Okay. And why that comment?

Mandoyan: Because she would always like curse at me, put me down, say God awful things or she would just do things and say things just to be disrespectful. And so we were having an argument and one of probably several arguments that we had and sometimes, you know, we'd call each other names and she'd curse at me, I'd curse back at her or, but

not any, but I've never ever done anything to this girl, never like threatened, I mean, not threatened, but like I might have said immature things, but I've never done anything to her.

Okay. And at some point it sounded like you said you were going to sit back and laugh. What was that comment about?

Mandoyan: Just a comment.

And you talked about before being agitated, correct?

Mandoyan: Right.

What, then there was also some sort of comment about referencing her as a disrespectful bitch or something happens to disrespectful bitches. What was that about?

Mandoyan: Just the same, just, we were arguing.

And then at some point, I believe you said something about a default easy out. Was there a comment made about that?

Mandoyan: Default easy out?

Yeah.

Mandoyan: Oh, like she said I'm just going to hang up and I'm like, oh, that's just great, you're going to hang up without trying to work things out. That's what I meant.

Okay.

Mandoyan: Because I was always the person that was trying to apologize and work things out. I was always the person that was trying to rehash things after our argument.

Right. And then it sounded like or it could be perceived that maybe you were driving up to meet her at some point. Is that, was that going on during this conversation?

Mandoyan: I don't think so because I asked her, it sounded like she was getting off work and afterwards I was asking her where she was at.

All right. And what was the name of the restaurant or location that the two of you had mentioned?

Mandoyan: She said Almont, there's like a street, Almont. It's like a parking lot where she would go.

[REDACTED] All right. And is there any restaurant or coffee place or anything there?

Mandoyan: No.

[REDACTED] What would be the cross street with that?

Mandoyan: Like Beverly and Almont.

[REDACTED] Okay. And then earlier, later in the conversation, you go back to the briefing and you said something to the effect that you couldn't believe that she went to briefing. Is that in relation to what you said earlier?

Mandoyan: Right, because she said she wasn't going to go and I said okay and that was it. That was the only, I never, ever told her not to go. But I said I just couldn't believe you went after she said she wasn't going to go. That was it.

[REDACTED] And it sounded at some point like you called her a coward for going to briefing and what was that in relation to?

Mandoyan: I don't know. It was probably just something just, I don't know why I said that.

[REDACTED] Okay. And then we were talking about Almont. That's a street in West Hollywood's area?

Mandoyan: Yes.

[REDACTED] All right. And then at some point, she was saying something about it's after 5 now. Would that have been 5 a.m. or 5 p.m.?

Mandoyan: Oh, 5 p.m. because she would go there when the businesses would leave so the parking lot would be vacant.

[REDACTED] All right. Is that like a common place that station personnel would like paper or something.

Mandoyan: Yes.

[REDACTED] Okay. After listening to that, did you, do you recall actually driving to wherever she was at while she was on-duty and meeting with her.

Mandoyan: No, I don't think so. I wasn't, it didn't sound like I was even, you know, she did sound like she telling me to come by, but I don't think I went.

██████████ Okay. All right. We've talked about a lot of different things and as I wind it down, I just want to ask you a few more things and we'll call it a wrap.

Goldfeder: Before you go into that, while we're still on the little phone message there, do you have a recollection, did she call you or did you call her?

Mandoyan: I believe she called me.

Goldfeder: Okay.

██████████ Anything else?

Goldfeder: No.

██████████ Okay. And, all right. So after everything we've talked about, videos seen, audios, a lot of different aspects about the relationship between the two of you, do you think that you ever were stalking Deputy ██████████ during the relationship or after the relationship?

Mandoyan: I never stalked her, Sarge.

██████████ All right. Do you think you ever performed an act of domestic violence to ██████████ during or after the relationship with her?

Mandoyan: I've never laid a finger on her. I treat her with gold. I was very careful, very delicate, but we did have our arguments. We did, like towards the end, we were arguing, things were rocky, but I never laid a finger on her. I was the one that was always having to apologize to, you know, we'd patch things up.

██████████ All right. Did, do you think any of your behavior was harassment towards her? Were you harassing her?

Mandoyan: It's immature...

██████████ Immature.

Mandoyan: Immature...

██████████ Behavior?

Mandoyan: Yeah, right. I, and it as mutual. She would call me as much as, we were very close. We had a close relationship and when we, everything was intense, you know. When we were together it was intense. It was great. And towards the end, when we argued, we got loud, boisterous, called each other names, so that's what it was. I mean, I cared for her and I learned a lot from this relationship and never, again, I've never touched her, I've never stalked her. I wanted it to be done. As soon as our relationship was over, I wanted to be done with it. I wanted to move and I should have never even met [REDACTED] She kept the fuel going and then to be relieved of duty and see the allegations were almost a year earlier, I was dumbstruck.

[REDACTED] All right. At any point, do you think any of your behavior towards [REDACTED] was retaliatory in any type of way?

Mandoyan: I never did anything to retaliate against her.

[REDACTED] And once you were advised, I believe you talked about Lieutenant Tardy told you to stay away from her, correct?

Mandoyan: Yes.

[REDACTED] After you were advised of that, did you have any more contact with Deputy [REDACTED]

Mandoyan: Absolutely not.

[REDACTED] Was there an incident where you showed up unannounced at [REDACTED] family house, maybe near the Colorado River or something to that effect?

Mandoyan: Unannounced?

[REDACTED] Do they have a house, the [REDACTED] family have a house out near the Colorado River?

Mandoyan: Yes.

[REDACTED] Okay. Did you ever go out there?

Mandoyan: Yes.

[REDACTED] How many times have you been out there?

Mandoyan: Once.

██████████ All right. And on that one occasion, did you show up unannounced or...

Mandoyan: She invited, no, she invited me and then I, and then on the way up, I actually even spent the night there. She invited me. I went up there and I bought beers and stuff and her mom wanted cider. No, I'm not...

██████████ Okay. And when would that have been, month and year, if you...

Mandoyan: That would have been I want to say maybe the summer of 2014.

██████████ Okay.

Mandoyan: Yeah, no, it's way out by the Colorado River and ██████████ invited me up there and as I was driving up there she called me and said hey, can you pick this, this and that up for my mom. And I went there and I spent the night, you know, with her family there. And I helped her dad move things the next day and we went to the river. Never went there unannounced.

██████████ All right. Before we conclude the interview, is there anything else that you'd like to add or something that maybe I haven't asked you that you feel is important to this investigation?

Goldfeder: Let me ask one other question here. When you listen to that tape, did you hear ██████████ say, "I'm not afraid of you?"

Mandoyan: Yes.

Goldfeder: Is it your understanding that this taped conversation took place at some point in time before you were served with this restraining order?

Mandoyan: Yes.

Goldfeder: Okay. I have nothing further.

██████████ Okay. Anything else that you'd like to add?

Mandoyan: No, sir. Like I said, I tried to be as detailed and give you as much information as, you know, it's been a couple years and I'm sorry like I didn't recall using the hand, the metal thing. I don't want you to think there was any deception of that because there wasn't. That one section of the video recalled my memory. I do remember the broomstick, but at no point did I ever try to break into her apartment, no point have I ever

stalked her. The times I saw her, she knew I was coming and she invited me. And at no point did I ever lay a finger on her. This is just high school games these girls got involved with just to serve me as a surprise, ha ha, we got you. I would never suspect [REDACTED] to ever rekindle a friendship of [REDACTED] just for the sake or purposes of serving me and for them to call me and mock me and because they put a case on me and thinking that this is funny, it's affected me, it's affected my livelihood, it's affected my career. I've never had my integrity questioned. This is my passion, this job, I worked so hard for. I would never do anything that would jeopardize it, let alone touch [REDACTED]. The risk of going to jail, I would never do that. I, you know, I'm competent and I have knowledge of the Department policy when it comes to trainee/T.O. relationships and I honor that. I have good reverence of it and, like I said, these allegations are straight lies and gross embellishment of what occurred. I never broke into her house. I tried to get her attention to speak to her. I didn't break into, I didn't go inside. I opened the sliding glass window that was already open. Shampoos fell in the tub. I never threw anything at her. The entire time, I was trying to apologize to her. That's all it was. You'll never hear me screaming, yelling and cursing at her when I'm trying to talk to her. The phone conversation, it was one of those few arguments that we got into. I said immature things. She's egging me on, but I never threatened her or retaliated against her. [REDACTED] was never afraid of me. She would curse at me and cuss at me. She invited me over on Father's Day, which I should have never went. I think that was a set up. It was a set up for all this. And honestly, it breaks my heart that she would do something like this. She used always brag about being able to put a case on anybody she wanted because she can because she had a vagina and everybody would believe her. I don't know...

Goldfeder: [Indiscernible.]

Mandoyan: No, okay. Anyway, she has a history of doing this.

[REDACTED] Okay.

Mandoyan: So I just want to get back to work and this is childish and this is a high school game that these two are playing and it's affected me and my livelihood and I just want to get back to what I love doing.

[REDACTED] All right. I show the time as 1402 hours and that'll conclude the interview.

End of interview.

IV 2383392

TELEPHONE RECORDING

TELEPHONE CALL BETWEEN COMPLAINT [REDACTED] AND SUBJECT MONDOYAN

Mondoyan: Why?

[REDACTED] Because I wanted to.

Mondoyan: But why? You're working aren't you?

[REDACTED] No, I been talking to you the whole night.

Mondoyan: Why, yeah, well, why don't you call her?

[REDACTED] What Caren?

Mondoyan: I'm going to call her too then.

[REDACTED] Okay, what do you want?

Mondoyan: Well what do, why are you calling her?

[REDACTED] I was calling to talk to her.

Mondoyan: About what?

[REDACTED] See how her day went.

Mondoyan: Drinking?

[REDACTED] No, to see how her day went.

Mondoyan: Oh, that's nice. I'm going to call her too then.

[REDACTED] Okay.

Mondoyan: Alright? So you call her, I'm going to call her too.

[REDACTED] Whatever Caren.

Mondoyan: Immediately.

[REDACTED] Okay, Caren.

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TELEPHONE RECORDING

Mondoyan: Watch.

██████ You're psychotic.

Mondoyan: No. You just fucking wait and see.

██████ Where are you at?

Mondoyan: Don't worry about it. I just, I just got off the phone with Morien.

██████ What'd he have to say?

Mondoyan: Don't worry about it. You'll see.

██████ Don't worry about it. You'll see? What is that supposed to mean?

Mondoyan: Yeah, just watch.

██████ Just watch what?

Mondoyan: Nothing, just watch.

██████ Okay.

Mondoyan: It's gonna be real funny when you fuckin' see just how much influence I have.

██████ To see what?

Mondoyan: To fucking see how much influence I have.

██████ Okay.

Mondoyan: Watch. This is for you talking, going against what I fucking asked you to do.

██████ This is for me going to briefing?

Mondoyan: This is, watch, this is again, this is about you going against what I asked you to do. And guess what, when, when I go against what you asked me to do, fucking, you'll see.

██████ Okay, Caren.

Mondoyan: I, I'm telling you.

██████ Okay, Caren.

Mondoyan: Yeah. And then why would you show up at briefing?

██████ Why does it matter?

Mondoyan: No one else does anything.

██████ Why do you care?

Mondoyan: Yeah. When's the last (beep) Arreola fucking quitter.

██████ What?

Mondoyan: When was the last time you talked to the Arreola quitter?

██████ I don't talk to him Caren.

Mondoyan: No, really, when's the last time you smiled and said hi to him?

██████ I didn't smile and say hi to him ever.

Mondoyan: You don't, you don't ever say anything, you walk by him in the hallway and don't say nothing?

██████ No, I don't.

Mondoyan: You're a fucking liar.

██████ Oh my God, dude, you're fucking crazy.

Mondoyan: Alright.

██████ Alright.

Mondoyan: Just watch.

██████ Just watch what?

Mondoyan: Well, you're, you're going to see my influence today, a little bit of it.

██████ Oh okay, Caren.

Mondoyan: Alright. And I hope you're not tired at midnight.

██████ Oh, yeah, so let's give ██████ all the calls. Boo hoo, god, that's going to be so hard.

Mondoyan: Okay. You think that's what it is?

██████ I really don't give a shit, Caren. Run your game all day long. Oh, I'm a reaper. Oh, I could do whatever I want.

Mondoyan: Okay.

██████ Okay.

Mondoyan: That's exactly why I never, I should never tell you anything.

██████ Yeah, okay, Caren.

Mondoyan: That's exactly why I should never fucking tell you anything. That's all good though.

██████ That's all good. I've got people, they'll do, my influence, you'll see how, what my influence is like. I'm a reaper, they're all afraid of me, they'll do whatever I want them to do.

Mondoyan: Yeah you're absolutely right.

██████ Yeah.

Mondoyan: And you know that too.

██████ Yeah, okay.

Mondoyan: And I'm going to fucking, and I'm going to prove it to you.

██████ Oh, okay. Go right ahead, Caren.

Mondoyan: Okay.

██████ You think I'm afraid of you. It's so funny.

Mondoyan: Oh, you don't have to be afraid of me. I don't, I don't need you afraid of me.

██████ Yeah.

Mondoyan: I don't need you afraid of me. You don't have to be afraid at all.

██████ I'm not. Oh, I'm going to flex my power and show you. Oooh, okay, Caren.

Mondoyan: Okay.

██████ Yeah, okay.

Mondoyan: It's all good. Think what you want, smile all you want, mock all you want.

██████ Yeah, I will.

Mondoyan: Go for it.

██████ I will, because you're fucking crazy.

Mondoyan: Knock yourself out.

██████ Oh, okay.

Mondoyan: Go get your fucking tape recorder.

██████ Don't tell me what to do.

Mondoyan: I'm telling you. Go get your fucking tape recorder.

██████ Oh, that's nice. You can tell me all day long, Caren, you're not my boss.

Mondoyan: Alright.

██████ Alright.

Mondoyan: Fucking disrespectful cunt dude.

██████ Wow.

Mondoyan: Yeah. I can't fucking believe you dude, you don't, you don't know what you got coming. I'll tell you right now. You deserve what you got coming.

██████ Which is what?

Mondoyan: Just watch. And I'm going to fucking sit back and laugh.

██████ Okay.

Mondoyan: This is what happens to fucking disrespectful fucking bitches. You'll see.

██████ What happens, Caren?

Mondoyan: Just watch.

██████ Okay. Alright, you have a nice life, Caren.

Mondoyan: No, really?

██████ Yeah.

Mondoyan: No, fuck you. That's not your fucking default.

██████ Oh, no, Caren, I'm really done with you. I don't care anymore.

Mondoyan: Okay.

██████ Alright.

Mondoyan: That's fine.

██████ Okay, that's fine.

Mondoyan: Just tell me my...

██████ Oh, no...

Mondoyan: ...you can tell me to my fucking face.

██████ I don't need to tell you shit to your face. Caren, it is over.

Mondoyan: Really?

██████ Yeah.

Mondoyan: Okay, well, tell me to my fucking face.

██████ Okay.

Mondoyan: Yeah, tell me to my fucking face.

██████ Okay. Okay, bye now.

Mondoyan: No, you're not going to hang up.

██████ Why not?

Mondoyan: No, that's not, that's not your fucking default easy out.

██████ My default easy out? Okay...

Mondoyan: I'm fucking coming down...

██████ ...good for you. I'm glad you're coming down.

Mondoyan: Yeah, where are you?

██████ Where do you want me to be?

Mondoyan: Where, I don't care, go, go somewhere.

██████ Alright.

Mondoyan: I can't fucking believe you, dude, I can't fucking believe (talking over).

██████ You can't believe what? I went to briefing?

Mondoyan: Yeah, yeah, exactly. You did what I asked you not to fucking do.

██████ You have no reason to not want me to go to briefing.

Mondoyan: I didn't want you to go to briefing.

██████ Why is that?

Mondoyan: Because it's a statement, it's a fucking statement.

██████ Okay.

Mondoyan: Like everybody else.

██████ Alright.

Mondoyan: But you're a fucking coward.

██████ Right, I'm a coward now for going to briefing. Alright, Caren, whatever you say. I'll talk to you later.

Mondoyan: No, where are you?

██████ I'm going to...

Mondoyan: I'm going to come and...

██████ Okay, I'm, I'm going to Almont, so...

Mondoyan: Oh, you said there are a lot of people there.

██████ Yeah, I left you now I'm going to head back. It's after 5:00, so maybe they're leaving. And that's fine, I think I'd rather have a lot of people around, so when you fucking ding out, you can't do anything that's going to get you in trouble.

Mondoyan: Oh, I could give a flying fuck who's around to be honest with you.

██████ Oh, why, because you're untouchable, right?

Mondoyan: What?

██████ Because you're untouchable, right?

Mondoyan: I don't give a fuck, you think I give a flying fuck? Alright, you think I really give a fuck?

██████ Go for it.

Mondoyan: Do you really think I fucking care?

██████ Alright. I'm going to go.

Mondoyan: Where are you?

██████ I'm in Almont. Goodbye.

Mondoyan: Alright, I'm going to fuc-...

End of telephone call.

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4 El Segundo, CA. 90245
5 (310) 374-7011

6 Attorney for Petitioner,
7 Caren Mandoyan

RECEIVED

LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMISSION

JUL 19 2017

COUNTY OF LOS ANGELES

9 IN THE MATTER OF THE
10 DISCHARGE OF CAREN MANDOYAN,)

11 Petitioner,)

12 v.)

13 COUNTY OF LOS ANGELES
14 SHERIFF'S DEPARTMENT,)

15 Respondent.)

CASE NO.: 16-276

CAREN MANDOYAN'S NOTICE
OF MOTION AND MOTION TO
DISMISS THE ADMINISTRATIVE
IAB ACTION BROUGHT AGAINST
HIM BASED ON OUTRAGEOUS
GOVERNMENT CONDUCT BY THE
LASD IN VIOLATING STATE LAW
BY SUPPRESSING A FELONY
COMMITTED BY DEPUTY
SHERIFF [REDACTED] THEN
STATING IN A LETTER THAT
THE LASD WILL FURTHER
VIOLATE CALIFORNIA STATE
BY TRANSGRESSING PENAL
CODE SECTION § 632, subd. (d);
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF
MICHAEL A. GOLDFEDER

DATES: July 24, 25, 26, 2017

TIME : 9:00 a.m.

Hearing Officer Joseph Scully

24 TO: THE COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION,
25 HEARING OFFICER JOSEPH SCULLY, AND THE RESPONDENT LOS
26 ANGELES COUNTY SHERIFF'S DEPARTMENT AND THEIR
27 REPRESENTATIVE OF RECORD:
28

Michael A. Goldfeder,
Attorney at Law
400 Continental Boulevard
6th Floor
El Segundo, CA. 90245

PETITIONER CAREN MANDOYAN'S MOTION TO DISMISS BASED ON OUTRAGEOUS
GOVERNMENT CONDUCT

1 The Petitioner Caren Mandoyan hereby GIVES NOTICE that on July 24, 2017
2 at 9:00 a.m. he will move to dismiss the Administrative Investigation brought
3 against him under IAB # IV2383392 based on the outrageous government
4 conduct by the LASD in suppressing and failing to write a criminal report
5 involving a Felony under Penal Code Section 632 committed by their employee;
6 Deputy Sheriff [REDACTED] [REDACTED] who also admitted to the offense. This outrageous
7 criminal misconduct is a manifest injustice that will not end there, but based on
8 correspondence from the Office of the Sheriff dated July 14, 2017 will now also
9 result in further criminal conduct being undertaken by the LASD to transgress
10 State of California Penal Code Statute § 632, et al with a fraud being perpetrated
11 upon the Administrative Hearing in order to bolster their non-existent case
12 against the Petitioner.
13

14
15 This information regarding a Felony crime was provided to the LASD IAB
16 Investigator Sergeant [REDACTED] [REDACTED] who was the lone individual tasked by the
17 LASD to investigate the allegations brought by [REDACTED] [REDACTED] purporting a
18 baseless claim of domestic dating misconduct. That claim by [REDACTED] [REDACTED] of
19 domestic dating misconduct was falsely reported by her to the El Segundo Police
20 Department under direct orders by the LASD Internal Criminal Investigation
21 Bureau ("ICIB"). The case was reviewed by the LA County District Attorney's
22 Office by two DDA's with over fifty-two (52) years of experience who declined to
23 file any charges against the Petitioner.
24
25

26 Now as part of their IAB Investigation against the Petitioner, the LASD not
27 only ignored and intentionally failed to document a Felony crime committed by
28


1 Deputy Sheriff [REDACTED] [REDACTED] that was fully disclosed during her multiple
2 interviews before their Investigator Sergeant [REDACTED] [REDACTED] the LASD through
3 their Advocate, Sergeant Christine Roam set forth in a letter dated July 14, 2017
4 on the Letterhead of the Office of the Sheriff, Jim McDonnell, that the
5 LASD: "...and the Department intends to introduce this evidence as part of its
6 case in chief." (Attached as Exhibit A)

8 Also contained in that same correspondence: "The investigator consulted with
9 County Counsel, and on the advice of counsel, the recording and testimony
10 about the recording was not included in the investigation file." Creating not only
11 the illegal suppression of a Felony crime by the LASD Investigator in this case,
12 but an ancillary violation of "POBAR" Rights that pales in comparison to
13 outrageous conduct undertaken in this case to date to utilize illegally obtained
14 evidence committed as part of Felony by Deputy Sheriff [REDACTED] [REDACTED]

16 Therefore, the Petitioner is asking that the Investigation brought against him
17 be dismissed, he be immediately reinstated to his position as a Deputy Sheriff
18 with an award of full back pay based on this notice of motion, memorandum of
19 points and authorities, and any oral argument as presented at the time of the
20 hearing of this motion.
21

22
23
24 July 19, 2017

Respectfully submitted,

25
26 
27 MICHAEL A. GOLDFEDER,
Attorney for Petitioner,
28 Caren Mandoyan

1
2 **MEMORANDUM OF POINTS AND AUTHORITIES**

3 Penal Code Section 632 states in pertinent part as follows:

4 (a) A person who, intentionally and without the consent of all parties to a
5 confidential communication, uses an electronic amplifying or recording device to
6 eavesdrop upon or record the confidential communication, whether the
7 communication is carried on among the parties in the presence of one another or
8 by means of a telegraph, telephone, or other device, except a radio, shall be
9 punished by a fine not exceeding two thousand five hundred dollars (\$2,500) per
10 violation, **or imprisonment in a county jail not exceeding one year, or in the**
11 **state prison**, or by both that fine and imprisonment. If the person has previously
12 been convicted of a violation of this section or Section 631, 632.5, 632.6, 632.7,
13 or 636, the person shall be punished by a fine not exceeding ten thousand
14 dollars (\$10,000) per violation, by imprisonment in a county jail not exceeding
15 one year, or in the state prison, or by both that fine and imprisonment.

16 (b) For the purposes of this section, "person" means an individual, business
17 association, partnership, corporation, limited liability company, or other legal
18 entity, and an individual acting or purporting to act for or on behalf of any
19 government or subdivision thereof, whether federal, state, or local, but excludes
20 an individual known by all parties to a confidential communication to be
21 overheard or recording the communication.

22 (c) For the purposes of this section, "confidential communication" means any
23 communication carried on in circumstances as may reasonably indicate that any
24 party to the communication desires it to be confined to the parties thereto, but
25 excludes a communication made in a public gathering or in any legislative,
26 judicial, executive, or administrative proceeding open to the public, or in any
27 other circumstance in which the parties to the communication may reasonably
28 expect that the communication may be overheard or recorded.

(d) **Except as proof in an action or prosecution for violation of this section,**
evidence obtained as a result of eavesdropping upon or recording a
confidential communication in violation of this section is not admissible in
any judicial, administrative, legislative, or other proceeding. (Emphasis
Added)

23 Twenty-Four days after the Petitioner filed his initial motion to exclude the
24 testimony of Deputy Sheriff [REDACTED] and all her derivative testimony based
25 on the Department's failure to disclose Impeachment afforded him under Civil
26 Service Commission Rule 4.07 to conduct a meaningful examination of the
27 Department's complaining witness in this case, the Department finally disclosed

1 that material. However, the Department through its Advocate has now stated in
2 written correspondence that they intend to abrogate the provisions set forth in
3 California Penal Code § 632, subd. (d) by using these Felony materials in their
4 case in chief. (Attached as Exhibit A)
5

6 **THE SHERIFF'S DEPARTMENT DECISION TO IGNORE THE PENAL**
7 **CODE ON MORE THAN ONE OCCASION IS OUTRAGEOUS**
8 **GOVERNMENTAL MISCONDUCT THAT WARRANTS A DISMISSAL**
9

10 The United States Supreme Court in Napue v. Illinois, (1959) 360 US 264
11 ruled that..." the truthfulness and reliability of a given witness may well be
12 determinative of guilt or innocence, and it is upon such subtle factors as the
13 possible interest of the witness in testifying falsely that a defendant's life or liberty
14 may depend.....It is of no consequence that the falsehood bore upon the
15 witness' credibility rather than directly upon the defendant's guilt. A lie is a lie no
16 matter what its subject, and, if it is in anyway relevant to the case, the district
17 attorney has the responsibility and duty to correct what he knows to be false and
18 elicit the truth. That the district attorney's silence was not the result of guile or a
19 desire to prejudice matters little, for its impact was the same, preventing, as it did,
20 a trial that could in any real sense be termed fair." (Emphasis Added) As the
21 United States Supreme Court explained in Berger v. United States, (1935) 295
22 U.S. 78, "the prosecutor represents a sovereignty whose obligation to govern
23 impartially is as compelling as its obligation to govern at all; and whose interest,
24 therefore, in a criminal prosecution is not that it shall win a case, but that justice
25 shall be done."
26
27
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1 While the LASD chooses to ignore a Felony committed by Deputy Sheriff
2 [REDACTED] [REDACTED] in order to bolster their non-existent case is extremely startling.
3 However, more disturbing is their intention to commit another Felony crime at this
4 Hearing. The moral depravity on display in this case reminds one of the old
5 adage of winning at all costs. However, regardless of in a courtroom, or an
6 Administrative Hearing, the moral compass needs to be aligned with the
7 Constitution and the Interests of Justice, not a victory ledger. This repugnant
8 conduct is beyond shocking, it's shameful. It absolutely violates Petitioner's right
9 to a Fair Hearing under the Civil Service Commission Rules, as well as the
10 California and United States Constitutions.
11
12

13
14 **CONCLUSION**

15 The manifest injustice that occurred in this case, and is about to reoccur is a
16 textbook example of outrageous governmental misconduct warranting not only
17 individual sanctions, but an immediate dismissal with prejudice of this case
18 forthwith by sending a message in order to deter this misconduct from ever
19 occurring in the future. This motion should be granted with the Petitioner being
20 reinstated forthwith with an award of all back pay.
21

22 July 19, 2017

Respectfully submitted,

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25 MICHAEL A. GOLDFEDER,
26 Attorney for Petitioner,
27 Caren Mandoyan
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DECLARATION OF MICHAEL A. GOLDFEDER

I, Michael A. Goldfeder, declare and state as follows:

1. I am over the age of 18 and the Attorney of Record for the Petitioner in the within action titled: In the Matter of the Discharge of Deputy Sheriff Caren Mandoyan, Case No. 16-276.

2. I make this declaration in support of the Petitioner's motion to exclude evidence. I personally sent and received the below listed e-mails, and documents attached as part of the disclosure by the LASD.

3. The facts stated in this declaration are based upon my personal knowledge and if called as a witness in this matter I would testify to the following:

4. Attached as **Exhibit A** is a letter dated July 14, 2017 from the Office of the Sheriff County of Los Angeles Jim McDonald, signed on his behalf by Advocate Sergeant Christine Roam that was delivered to my office address.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 19th day of July, 2017 at El Segundo, California.


MICHAEL A. GOLDFEDER

Exhibit A

EXHIBIT A



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



July 14, 2017

Joseph Scully, Hearing Officer
Los Angeles Civil Service Commission
Kenneth Hahn Hall of Administration, Room 522B
222 North Grand Avenue
Los Angeles, California 90012

**Re: Caren Mandoyan v. COLA; Sheriff's Department
CSC 16-276**

Dear Mr. Scully:

On June 20, 2017, the Appellant served on the Department and Commission a motion to exclude the entire testimony of Witness Deputy [REDACTED]. The Appellant based his motion on the Department's refusal to provide information which was not included as part of the original investigation. Appellant's request for this material was via an informal email; no subpoena was filed or served.

The Appellant's motion to exclude testimony is without merit inasmuch as the information he seeks was not relied on by the Department's decision maker, and therefore was not part of the Skelly file. There is no due process violation and absolutely no legal authority to grant Appellant's motion to exclude the entire testimony of Witness [REDACTED] and "all of her derivative statements and exemplars" [Petitioner Motion page 2].

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A Tradition of Service
— Since 1850 —

July 14, 2017

The materials sought concern a recorded phone conversation between Appellant and Witness [REDACTED]. Both Appellant and Witness [REDACTED] were questioned about the recording during their interviews with Internal Affairs. The investigator consulted with County Counsel, and on advice of counsel, the recording and testimony about the recording was not included in the investigative file. That information was never provided to the Department's decision maker, and he did not consider it in reaching his decision to discharge Appellant.

Upon further review, the Department agrees with the Appellant, that the information he is seeking has considerable probative value to the issues before the Civil Service Commission, and the Department intends to introduce this evidence as part of its case in chief.

Attached you will find the items requested by Appellant, to wit:

1. The unredacted transcript pages 16 through 39 of Deputy [REDACTED] [REDACTED] July 28, 2016 IAB interview;
2. The audio recording of Deputy [REDACTED] [REDACTED] July 28, 2016 IAB interview (two files).

Additionally, the following materials were also redacted from the investigative file and are being produced to counsel, as it is the Department's intent to also use these items in its case in chief, to wit:

3. A recording of a phone conversation between Deputy [REDACTED] and Appellant (one file);
4. A transcript of the recorded phone conversation;

July 14, 2017

5. The unredacted transcript pages 85 through 99 of Appellant's July 14, 2016 interview; and

6. The audio recording of Appellant's July 14, 2016 interview (four files).

Because there has been no due process violation and there is absolutely no legal authority for granting Appellant's motion, the Department respectfully requests it be denied.

Respectfully,

JIM McDONNELL, SHERIFF



Sergeant Christine Roam, Advocate
4900 S. Eastern Avenue, Suite 101
Commerce, CA 90040
(323) 890-5413

Attachments: CD containing (7) audio recordings
Unredacted pages 16-39 of the transcript of Witness [REDACTED]
July 28, 2016 interview
Unredacted transcript of Appellant's July 14, 2016 interview
Transcript of recording of phone conversation

1 PROOF OF PERSONAL SERVICE C.C.P.

2
3 STATE OF CALIFORNIA)
4)
COUNTY OF LOS ANGELES)

5
6 I am employed in the county aforesaid; I am over the age of eighteen years and not a
7 party to the within entitled action; my business address is:

8 400 Continental Boulevard, 6th Floor, El Segundo, CA 90245.

9 On July 19, 2017 I personally served the within document described as:

10 **Petitioner Carl Mandoyan's Notice of Motion and Motion to Dismiss based on**
11 **Outrageous Government Conduct**

12 On interested parties in this action by placing a true copy thereof enclosed in a sealed
13 envelope addressed as follows:

14 Joseph Scully-Hearing Officer
15 c/o-Civil Service Commission

Hand Served


16 Civil Service Commission
17 Room 522 Kenneth Hahn Hall of Administration
18 500 West Temple Street
Los Angeles, Ca. 90012

Hand Served

19 Christine Roam-
20 Los Angeles County Sheriff's Department
21 4900 S. Eastern Avenue, # 101
City of Commerce, Ca. 90040

Hand Served

22
23 I declare, under penalty of perjury, under the laws of the State of California, that the
24 foregoing is true and correct. Executed on July 19, 2017 at Los Angeles, California.

25
26 
27 Michael A. Goldfeder



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



July 19, 2017

Amended Pre-Hearing Statement

Joseph Scully, Hearing Officer
Civil Service Commission
Kenneth Hahn Hall of Administration, Room 822
222 North Grand Avenue
Los Angeles, California 90012

RECEIVED
LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

IN THE MATTER OF THE DISCHARGE OF
CAREN MANDOYAN (CSC 18-276)

Dear Mr. Scully:

In accordance with Civil Service Commission Rule 4.17, the Department submits the following statement as to the facts and contentions in issue.

A. 4.17 Pre-Hearing Conference

The Department's advocate is Sergeant Christine Roam and the Appellant's representative is Michael Goldfeder, Esq. On July 12, 2017, I called Mr. Goldfeder for purposes of conducting our pre-hearing conference. I left a voice message and followed up with an email. Mr. Goldfeder responded via email and indicated that Appellant would be filing a separate pre-hearing statement.

B. Statement of the Issues Propounded by the Commission:

- Are the allegations contained in the Department's letter of September 15, 2016, true?
- If any or all are true, is the discipline appropriate?

C. Contentions in Issue

Appellant and Deputy [REDACTED] met while working together at West Hollywood Station. During the months of September through November/December 2012, Appellant was Deputy [REDACTED] patrol training officer. In December 2012, once Deputy [REDACTED] had successfully completed her patrol

training, they began dating. Appellant and Deputy [REDACTED] dated for approximately two years.

In February of 2013, Appellant transferred to South Los Angeles Station. After his transfer, Appellant embarked upon an escalating pattern of conduct aimed at controlling and harassing Deputy [REDACTED]. His behaviors included (but were not limited to) constantly showing up at West Hollywood Station while Deputy [REDACTED] was on duty; demanding that she not attend the station briefings at the beginning of shift; constant, unwanted phone calls designed to track her actions and monitor who she was talking to; surreptitiously watching her inside her apartment via a surveillance camera he installed; attempting to break into her apartment through her sliding glass door; breaking into her apartment through her bathroom window while Deputy [REDACTED] demanded he leave; engaging into an act of domestic violence where he pushed, held down and attempted to strangle Deputy [REDACTED]; committing acts of vandalism by damaging her bedroom door when she tried to lock him out and/or ripping her clothes; harassing Deputy [REDACTED] with obscene and degrading text messages and sending such messages about Deputy [REDACTED] to other Department members.

These behaviors brought discredit upon Appellant and the Department and resulted in him being named as a suspect in a Domestic Violence/Stalking report taken by El Segundo Police Department No. 15-1659. Additionally, a domestic violence restraining order was filed against him in the North Valley Branch of the Los Angeles Superior Court. When Appellant was served with his temporary restraining order, he failed to notify the Department, as required by policy.

Appellant was interviewed as part of the administrative investigation of this matter. During that interview, he made false, incomplete and inaccurate statements.

Appellant was found to have violated the following Department policies:

[REDACTED]
[REDACTED] and/or
Honesty; and/or Dishonesty/False Statements; and/or Dishonesty/Failure to Make Statements During Departmental Investigation. These violations carry a range of discipline of 25-days to Discharge.

D. Estimate of Time Required for Hearing

The Department estimates that it will require three to four days of hearing to present its case.

July 19, 2017

E. List of Witnesses

The Department intends to call the following witnesses: Deputy [REDACTED]
Lieutenant [REDACTED] Sergeant [REDACTED] Lieutenant [REDACTED]
Deputy [REDACTED] Deputy [REDACTED] Sergeant [REDACTED]
Sergeant [REDACTED], Deputy [REDACTED] Deputy [REDACTED]
Deputy [REDACTED] Deputy [REDACTED] Sergeant [REDACTED]
and Assistant Sheriff [REDACTED]

The Department reserves the right to call additional witnesses as necessary.

Sincerely,

JIM McDONNELL, SHERIFF



Sergeant Christine Roam, Advocate
Sheriff's Department

cc: Assistant Sheriff [REDACTED] (via email)
Michael Goldfeder, Esq. (via USPS and email)



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



RECEIVED

July 17, 2017

LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

JUL 17 2017

Joseph Scully, Hearing Officer
Civil Service Commission
Kenneth Hahn Hall of Administration, Room 822
222 North Grand Avenue
Los Angeles, California 90012

IN THE MATTER OF THE DISCHARGE OF
CAREN MANDOYAN (CSC 16-276)

Dear Mr. Scully:

In accordance with Civil Service Commission Rule 4.17, the Department submits the following statement as to the facts and contentions in issue.

A. 4.17 Pre-Hearing Conference

The Department's advocate is Sergeant Christine Roam and the Appellant's representative is Michael Goldfeder, Esq. On July 12, 2017, I called Mr. Goldfeder for purposes of conducting our pre-hearing conference. I left a voice message and followed up with an email. Mr. Goldfeder responded via email and indicated that Appellant would be filing a separate pre-hearing statement.

B. Statement of the Issues Propounded by the Commission:

- Are the allegations contained in the Department's letter of September 15, 2016, true?
- If any or all are true, is the discipline appropriate?

C. Contentions in Issue

Appellant and Deputy [REDACTED] met while working together at West Hollywood Station. During the months of September through November/December 2012, Appellant was Deputy [REDACTED] patrol training officer. In December 2012, once Deputy [REDACTED] had successfully completed her patrol

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A Tradition of Service
— Since 1850 —

July 17, 2017

training, they began dating. Appellant and Deputy [REDACTED] dated for approximately two years.

In February of 2013, Appellant transferred to South Los Angeles Station. After his transfer, Appellant embarked upon an escalating pattern of conduct aimed at controlling and harassing Deputy [REDACTED]. His behaviors included (but were not limited to) constantly showing up at West Hollywood Station while Deputy [REDACTED] was on duty; demanding that she not attend the station briefings at the beginning of shift; constant, unwanted phone calls designed to track her actions and monitor whom she was talking to; surreptitiously watching her inside her apartment via a surveillance camera he installed; attempting to break into her apartment through her sliding glass door; breaking into her apartment through her bathroom window while Deputy [REDACTED] demanded he leave; engaging in an act of domestic violence where he pushed, held down and attempted to strangle Deputy [REDACTED]; committing acts of vandalism by damaging her bedroom door when she tried to lock him out and/or ripping her clothes; harassing Deputy [REDACTED] with obscene and degrading text messages and sending such messages about Deputy [REDACTED] to other Department members.

These behaviors brought discredit upon Appellant and the Department and resulted in him being named as a suspect in a Domestic Violence/Stalking report taken by El Segundo Police Department No. 15-1659. Additionally, a domestic violence restraining order was filed against him in the North Valley Branch of the Los Angeles Superior Court. When Appellant was served with his temporary restraining order, he failed to notify the Department, as required by policy.

Appellant was interviewed as part of the administrative investigation of this matter. During that interview, he made false, incomplete and inaccurate statements.

Appellant was found to have violated the following Department policies:

[REDACTED]
[REDACTED]
[REDACTED] and/or
Honesty; and/or Dishonesty/False Statements; and/or Dishonesty/Failure to Make Statements During Departmental Investigation. These violations carry a range of discipline of 25-days to Discharge.

D. Estimate of Time Required for Hearing

The Department estimates that it will require three to four days of hearing to present its case.

July 17, 2017

E. List of Witnesses

The Department intends to call the following witnesses: Deputy [REDACTED]
Lieutenant [REDACTED] Sergeant [REDACTED], Lieutenant [REDACTED]
Deputy [REDACTED] Deputy [REDACTED] Sergeant [REDACTED]
Sergeant [REDACTED] Deputy [REDACTED]
[REDACTED] and Assistant Sheriff [REDACTED]

The Department reserves the right to call additional witnesses as necessary.

Sincerely,

JIM McDONNELL, SHERIFF



Sergeant Christine Roam, Advocate
Sheriff's Department

cc: Assistant Sheriff [REDACTED] (via email)
Michael Goldfeder, Esq. (via USPS and email)

RECEIVED

LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

JUL 13 2017

Michael A. Goldfeder (SBN: 162381)
Attorney at Law
400 Continental Boulevard, 6th Floor
El Segundo, CA 90245
Tel: (310) 374-7011

Attorney for Respondent,
Caren Mandoyan

BEFORE THE CIVIL SERVICE COMMISSION
FOR THE COUNTY OF LOS ANGELES

IN THE MATTER OF THE DISCHARGE OF
CAREN MANDOYAN

CASE NO: 16-276

Assigned to: Joseph Scully,
Hearing Officer

Date: July 24, 25, 26, 2017

Time: 9:00 a.m.

Place: Room 522

**CAREN MANDOYAN'S RULE 4
STATEMENT**

Discharge Date: September 14, 2016

Counsel for Appellant Caren Mandoyan was not contacted by the Representative for the County of Los Angeles Sheriff's Department to conduct a pre-hearing conference pursuant to Civil Service Rule 4 in order to prepare a joint pre-hearing statement. Therefore, Appellant Mandoyan submits the following written statement:

INTRODUCTION

The allegations contained in the Department's letter of discharge dated September 14, 2016 are not true; and the discipline imposed is not proper based on the facts and utter lack of

merit as to the underlying allegations and contentions initiated by the complaining witness in this matter: Deputy Sheriff [REDACTED]

Pursuant to CSC Rule 4.12 the Department has the burden of proof as to issues defined in this case that were presented to the Commission.

Witnesses to be called by the Appellant

1. Caren Mandoyan;
2. Deputy [REDACTED] LASD;
3. Deputy [REDACTED] LASD;
4. Deputy [REDACTED] LASD;
5. Lieutenant [REDACTED] LASD;
6. Lieutenant [REDACTED] LASD;
7. Lieutenant [REDACTED]
8. Lieutenant [REDACTED]

APPELLANT'S CONTENTION

The complaining witness in this matter; Deputy Sheriff [REDACTED] has embarked on a personal vendetta and meritless pattern of unsavory conduct culminated by contriving false accusations of domestic abuse against the Appellant Caren Mandoyan for refusing to engage in a long term personal relationship with her. Additionally, a criminal accusation of patently make-believe domestic abuse was initiated by [REDACTED] at the sole behest of the LASD in order to bolster her meritless Policy of Equality (POE) claim that fell short of the mark, as did her TRO Application voluntarily dismissed on her own accord. Once her fantasy allegations were reported to law enforcement more than ten (10) months after never occurring and


1 thoroughly investigated; no case was ever filed by any prosecuting District Attorney's Office
2 given that their independent and autonomous conclusions are that Deputy Sheriff [REDACTED]
3 [REDACTED] lacks credibility. Deputy District Attorney Linda Loftfield SBN 127507, and Deputy
4 District Attorney Jamie Garrison SBN 157070, with a combined fifty-two (52) years of
5 prosecutorial experience saw this case for what it truly was; a fraud. Deputy Sheriff [REDACTED]
6 [REDACTED] manufactured a story replete with distortions and fibs in order to impact Appellant's ten
7 (10) years of employment as a Peace Officer for the LASD working as a Field Training Officer
8 at South Station. All because he dated another Deputy Sheriff that [REDACTED] [REDACTED] used to be
9 friends with years ago.

10 Her centerpiece saga was a fabricated non-existent episode of domestic abuse that had
11 her giggling incessantly to the Detectives at the El Segundo Police Department while
12 conveying this tale of abject fiction. Deputy Sheriff [REDACTED] [REDACTED] displays no compunction in
13 her efforts to destroy the law enforcement career of the Appellant given that she has also filed
14 an equally meritless TRO in the Los Angeles Superior Court-Inglewood Courthouse, once
15 again feigning this non-existent domestic abuse claim that was subsequently dismissed by her
16 on July 30, 2015 in lieu of testifying under oath before a Superior Court Judge.

17 This is the underlying foundation for the discharge of the Appellant, and it will be
18 shown that the termination imposed by the LASD has no basis in fact given the flawed
19 underpinnings and concocted falsehoods of non-existent domestic abuse and other scurrilous
20 events that did not in fact ever take place.

21 Dated: July 13, 2017

22 By:


23 Michael A. Goldfeder, Attorney for
24 Appellant Caren Mandoyan
25
26

1 PROOF OF SERVICE BY MAIL - 1013A, 2015.5 C.C.P.

2 STATE OF CALIFORNIA)
3 COUNTY OF LOS ANGELES)

4
5 I am employed in the county aforesaid; I am over the age of eighteen years and not a party to the
6 within entitled action; my business address is 400 Continental Boulevard, 6th Floor, El Segundo,
7 CA. 90245.

8 On July 13, 2017 I served the within document described as:

9 **Appellant Caren Mandoyan's Rule 4 Statement**

10 On interested parties in this action by placing a true copy thereof enclosed in a sealed envelope
11 addressed as follows:

12 Christine Roam US Mail
13 Los Angeles County Sheriff's Department
14 4900 S. Eastern Avenue, # 101
15 City of Commerce, CA. 90040

16 I am readily familiar with the firm's practice of collection and processing correspondence
17 for mailing. Under that practice it would be deposited with U.S. postal service on that same day
18 with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.
19 I am aware that on motion of the party served, service is presumed invalid if postal collection date
20 or postage meter date is more than one day after date of deposit for mailing in affidavit.

21 I declare, under penalty of perjury, under the laws of the State of California, that the
22 foregoing is true and correct.

23 Executed on July 13, 2017 at El Segundo, California.

24 
25 Michael A. Goldfeder

1 Michael A. Goldfeder, SBN 162381
2 Attorney at Law
3 400 Continental Boulevard, 6th Floor
4 El Segundo, CA. 90245
5 (310) 374-7011

6 Attorney for Petitioner,
7 Caren Mandoyan

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LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMISSION

JUN 20 2017

COUNTY OF LOS ANGELES

9 IN THE MATTER OF THE)
10 DISCHARGE OF CAREN MANDOYAN,)

11 Petitioner,)

12 v.)

13 COUNTY OF LOS ANGELES)
14 SHERIFF'S DEPARTMENT,)

15 Respondent.)

CASE NO.: 16-276

CAREN MANDOYAN'S NOTICE
OF MOTION AND MOTION TO
EXCLUDE THE TESTIMONY OF
[REDACTED] BASED ON THE
DEPARTMENT'S REFUSAL TO
DISCLOSE HER EXCULPATORY
IMPEACHMENT EVIDENCE IN
VIOLATION OF CIVIL SERVICE
COMMISSION RULE 4.07;
ARTICLE 1 § 7 OF THE STATE
OF CALIFORNIA CONSTITUTION;
THE FIFTH AND FOURTEENTH
AMENDMENTS OF THE UNITED
STATES CONSTITUTION;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF
MICHAEL A. GOLDFEDER

DATES: July 24, 25, 26, 2017
TIME : 9:00 a.m.

Hearing Officer Joseph Scully


23 TO: THE COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION,
24 HEARING OFFICER JOSEPH SCULLY, AND THE RESPONDENT LOS
25 ANGELES COUNTY SHERIFF'S DEPARTMENT AND THEIR
26 REPRESENTATIVE OF RECORD:
27

1 The Petitioner Caren Mandoyan hereby GIVES NOTICE that on July 24, 2017
2 at 9:00 a.m. he will move to exclude the testimony of Witness [REDACTED] and
3 all of her derivative statements and exemplars in this matter based on the
4 Department's refusal to disclose both audio recordings and written exculpatory
5 statements made by her to Investigators that were censored with black out ink.
6
7 **(Attached as Exhibit A)** This request for relief is based on the grounds that this
8 Petitioner is being denied Due Process of Law to conduct a meaningful cross-
9 examination of this witness who has already engaged in overt and fraudulent lies
10 throughout the course of her multiple interviews with the El Segundo Police
11 Department, IAB Investigation, and documents filed under penalty of perjury by
12 her in a TRO at the Stanley Mosk Courthouse.
13

14 Now the Department has refused to provide these admissions against her
15 interests related to criminal conduct undertaken by her that will not only impact
16 her veracity and credibility as a witness, but subject her to probable criminal
17 prosecution and her own IAB Investigation based on these transgressions. The
18 Petitioner has requested these materials by way of an informal e-mail meet and
19 confer, and has repeatedly been rebuffed by the Department. **(Attached as**
20
21 **Exhibit B)** Therefore, the Petitioner is asking that all her testimony be excluded
22 based on this notice of motion, memorandum of points and authorities, and any
23 oral argument as presented at the time of the hearing of this motion.
24

25 June 20, 2017

Respectfully submitted,


MICHAEL A. GOLDFEDER,
Attorney for Petitioner,
Caren Mandoyan

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1 interchangeably. See, e.g., CCP §1094.5; Witt Home Ranch, Inc. v. County of
2 Sonoma (2008) 165 Cal.App.4th 543, 565.

3
4 The Petitioner has a fundamental right to Due Process of Law under the
5 foregoing Rule 4.07 to conduct a meaningful examination of the Department's
6 complaining witness in this case; Los Angeles County Deputy Sheriff [REDACTED]

7 [REDACTED] Unfortunately, as the Department is well aware, her testimony is not only
8 nonsensical and strikingly inconsistent, it is a flat out distortion. In an effort to
9 prevent the Petitioner from conducting a meaningful examination of their non-
10 believable witness, that they themselves don't even believe, the Department has
11 refused to provide the audio tape and transcription of an interview of [REDACTED]
12 [REDACTED] whereby she fostered more lies and outlandish statements that will further
13 impact her credibility as a witness. Moreover, given that two (2) Deputy District
14 Attorney's from the LA County District Attorney's Office who specialized in
15 Domestic Violence cases with over 52 years of collective experience as
16 Prosecutors found her to be lacking in any credibility as no criminal case was
17 ever filed, when that collective decision was made they were not privy to the
18 subsequent expansive distortions created by Deputy [REDACTED] [REDACTED] in the IAB.
19
20
21

22 Their (DA) decision not to file a criminal case that was devoid of any and all
23 merit from its inception was decided well before the plethora of lies from [REDACTED]
24 [REDACTED] that were unearthed in the IAB Investigation by the Department.
25 Amazingly though, the Department elected not to connect the dots choosing
26 instead to protect and hide her incriminating statements from the Petitioner.
27
28

1 Her

2
3 never ending cascade of devastating lies and fabricated events created out of
4 whole cloth by [REDACTED] cannot withstand the scrutiny of cross-examination
5 which is why these Draconian efforts to hide and withhold this evidence have
6 been undertaken by the Department in the hopes of keeping her from looking
7 any worse with these latest criminal revelations.
8

9 The seminal case of Matthews v. Eldridge, (1976) 424 US 319 articulated the
10 concept that: "Procedural due process imposes constraints on governmental
11 decisions which deprive individuals of "liberty" or "property" interests within the
12 meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." ...
13 The fundamental requirement of due process is the opportunity to be heard "at a
14 meaningful time and in a meaningful manner." Armstrong v. Manzo, 380 U.S.
15 545, 552 (1965). See Grannis v. Ordean, 234 U.S. 385, 394 (1914)... The
16 essence of due process is the requirement that "a person in jeopardy of serious
17 loss [be given] notice of the case against him and opportunity to meet it." Joint
18 Anti-Fascist Comm. v. McGrath, 341 U.S., at 171-172 (Frankfurter, [424 U.S.
19 319, 349] J., concurring).
20
21

22 As was noted in the request for this cross-examination information on two
23 separate occasions beginning in May, 2017, the Department has constricted
24 Petitioner's opportunity to thoroughly prepare his case to fully expose the
25 fabrications of [REDACTED] This deprivation of cross-examination is
26 unwarranted, inappropriate, and necessitates the striking and exclusion of this
27
28

1 witness as an affront to the concept of Due Process of Law.

2 In People v. Ramirez, (1979) 25 Cal.3d 260, the California Supreme Court
3 adopted the federal factors laid out in Mathews, but added the dignitary
4 protection of individuals. As reframed, the California due process factors are: "(1)
5 the private interest that will be affected by the official action; (2) the risk of an
6 erroneous deprivation of such interest through procedures used, and the
7 probable value, if any, of additional safeguards; (3) the dignitary interest in
8 informing individuals of the nature, grounds and consequences of the action and
9 in enabling them to present their side of the story before a responsible
10 government official; and (4) the governmental interest, including the function
11 involved and the fiscal and administrative burdens that the additional or
12 substantive procedural requirement would entail." (Id. at 268-69.)
13
14

15 **SWORN TESTIMONY AND NON-SWORN STATEMENTS**

16
17 "Witnesses may be required to testify under oath. Requiring testimony to be
18 given under oath is useful where witnesses are self-interested and have a
19 motivation to lie, and where issues of facts are "fully and hotly contested." Mohilef
20 v. Janovici (1996) 51 Cal.App.4th 267, 291. Our experience suggests that
21 personnel discipline and civil service commission hearings generally require
22 witnesses to be sworn. In discipline hearings, quasi-judicial bodies may face
23 conflicting testimony from the employee and his or her supervisor. There may
24 also be testimony from investigators, and from witnesses who observed the
25 employee's behavior. The parties may dispute important facts, with limited ability
26 for decision makers to rely on independently trustworthy sources. And because
27
28

1 the private interest involved – one’s employment – is such a carefully protected
2 property right, we find that disciplinary actions more closely resemble court
3 proceedings than most other local agency quasi-judicial proceedings. Swearing
4 in, cross-examination, court reporters, and rights of rebuttal are common features
5 in disciplinary actions.”
6

7 THE ABSOLUTE RIGHT TO CROSS-EXAMINATION

8

9
10 Cross-examination is another feature of due process that sometimes appears
11 in quasi-judicial proceedings to ensure that the evidence presented is competent
12 and witnesses credible. As stated by a Court of Appeal, “[c]ross examination is
13 the greatest legal engine ever invented for the discovery of truth.”

14 Manufactured Home Communities v. County of San Luis Obispo, (2008)167
15 Cal.App.4th 705, 712. [Emphasis Added]
16

17 The court in Manufactured Home Communities cites a number of cases
18 where courts found a right to cross-examine witnesses, stating that it is
19 especially important where findings against a party are based on an adverse
20 witness's testimony. *Giuffre v. Sparks* (1999) 76 Cal.App.4th 1322, 1330
21 [disciplinary hearings]; *Davis v. Mansfield Metropolitan Housing Authority* (6th
22 Cir. 1984) 751 F.2d 180, 185 [housing authority]; *Welfare Rights Organization v.*
23 *Crisan* (1983) 33 Cal.3d 766, 769 [welfare]; *Pence v. Industrial Acc. Com.* (1965)
24 63 Cal.2d 48, 50-51 [industrial accident]; *Desert Turf Club v. Board of*
25 *Supervisors* (1956) 141 Cal.App.2d 446, 455 [use permit].) (Fremont Indemnity
26
27
28

1 Co. v. Workers' Comp. Appeals Bd. (1984) 153 Cal.App.3d 965, 971; Palmer v.
2 Rent Control Board of Brookline (1979) 7 Mass.App.Ct. 110 [386 N.E.2d 1047,
3
4 1050] [rent control board erred by not allowing landlord to cross-examine
5 investigator who provided report to the board].

6
7 In the context of hearsay, it cannot be gainsaid that the right to require the
8 witnesses against one to appear in court, and that they be subject to cross-
9 examination, is of major importance in our system of jurisprudence. (See
10 Englebreton v. Industrial etc. Com. (1915) 170 Cal. 793, 798 [151 P. 421].) The
11 opportunity for cross-examination has been called " 'the greatest legal engine
12 ever invented for the discovery of truth.' " (People v. Reynolds (1984) 152 Cal.
13 App. 3d 42, 46 [199 Cal. Rptr. 379], quoting 5 Wigmore, Evidence (3d ed. 1940)

14
15 The Petitioner in this case contends that the charges levied against him
16 are wholly without merit and utter fabrications by a former girlfriend who felt
17 scorned and became very vindictive once she found out that he had
18 consummated a dating relationship with a former rival of Deputy Sheriff [REDACTED]
19 [REDACTED] Consequently, just as the Court stated in the case of Joaquin v. City of
20 Los Angeles, (2012) 202 Cal. App. 4th 1207: This includes making frivolous
21 accusations, or accusations grounded in prejudice. For it 'cannot be true
22 that a plaintiff can file false charges, lie to an investigator, and possibly
23 defame co-employees, without suffering repercussions simply because the
24 investigation was about sexual harassment. To do so would leave
25 employers with no ability to fire employees for defaming other employees
26
27
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1 or the employer through their complaint when the allegations are without
2 any basis in fact.' [Citation.] ... '[The antidiscrimination laws were] not
3
4 designed to "arm employees with a tactical coercive weapon" under which
5 employees can make baseless claims simply to "advance their own retaliatory
6 motives and strategies." ... Were we to adopt a different standard, an employee
7 could immunize his unreasonable and malicious internal complaints simply by
8 filing a discrimination complaint with a government agency. [Emphasis Added]
9

10 The Department has embraced the overtly false allegations of Deputy Sheriff
11 [REDACTED] then taken it several steps further by eliminating the Petitioner's
12 Fundamental Right to Due Process of Law by constricting his Cross-Examination
13 of [REDACTED] with materials that will expose her scurrilous claims as utter
14 shams. Just as the two District Attorneys concluded with only a snippet of the
15 materials available to them for review. Now that her further non-believable
16 events have also surfaced that undermine and impair the Department's *House of*
17 *Cards Case*, they have taken Unconstitutional measures to abrogate any further
18 efforts to undermine her lack of credibility. Such bad faith conduct is a wholesale
19 manifestation that tramples both the California and United States Constitutions
20 as set forth infra.
21
22
23

24 Even deposition testimony taken in a Workers' Compensation case was
25 admissible in a Civil Service Commission Hearing over the objection of a
26 petitioner who claimed the deposition was done illegally by obviating his POBAR
27 Rights. Such a claim was held to be without substance by the Court in: Shafer
28

1 v. Los Angeles County Sheriff's Dept., (2003) 106 Cal. App. 4th 1388 which said:

2 "Shafer contends that the failure of the sheriff's department and the county
3
4 counsel to inform him that he was under investigation and of the nature of the
5 investigation violated section 3303, subdivision (c) and should have resulted in
6 the suppression of his deposition testimony. He states that even though the
7 deposition was ostensibly conducted in connection with a workers' compensation
8 claim, the county counsel taking the deposition had information from the sheriff's
9 department about the investigation, asked questions designed to elicit responses
10 in connection with the investigation, and sought Shafer's signature on the
11 deposition transcript before any hearing—an allegedly unusual request. Shafer
12 argues that therefore, the county counsel was acting on behalf of the sheriff's
13 department in connection with the deposition. **We conclude that the trial**
14 **court's determination that the deposition testimony could be used should**
15 **be affirmed.** ...Shafer initiated the workers' compensation proceeding. There is
16 no contention that Shafer's deposition could not be taken during that
17 proceeding...The county counsel took the deposition in a workers' compensation
18 proceeding—apparently on behalf of the county's insurance carrier. There was
19 sufficient evidence to support the trial court's conclusion that the deposition was
20 under the control of the county counsel's office and not the sheriff's department."

21 [Emphasis Added]

22 Just as the deposition could be used to attack the credibility of the witness in
23 Shafer, so too can the *blacked out* interview of [REDACTED] be utilized by the

1 Petitioner in this case to attack her credibility and be used as impeachment to
2 expose her ill contrived actions in this case too. Again, the Department's actions
3 and conduct to *black out her interview and withhold her audio recording* is
4 against the rule of law. The Shafer Court concluded that: "The trial court was not
5 required to suppress testimony given in another proceeding, especially as Shafer
6 was represented by counsel and was under oath. The trial court did not abuse its
7 discretion by not suppressing the deposition testimony...Even if the deposition
8 was the "fruit" of an earlier violation of the Act, as Shafer suggests, the trial court
9 is not required to apply the principles applicable to constitutional violations in
10 determining the appropriate remedy for statutory violations. (Williams v. City of
11 Los Angeles, supra, 47 Cal. App. 3d at p. 202.) In any event, referring to
12 constitutional law by analogy would be unavailing to Shafer under existing
13 authority because the "fruit of the poisonous tree" doctrine has been held not to
14 require suppression of statements subject to noncoercive Miranda v. Arizona
15 (1966) 384 U.S. 436 [16 L. Ed. 2d 694, 86 S. Ct. 1602] violations. (People v.
16 Brewer (2000) 81 Cal.App.4th 442, 454 [96 Cal. Rptr. 2d 786]; People v.
17 Whitfield (1996) 46 Cal.App.4th 947, 955 [54 Cal. Rptr. 2d 370].)...Accordingly,
18 there was no violation of the Act in connection with the deposition."
19
20
21
22

23 The Department has no basis under Civil Service Commission Rule 4.07,
24 Article 1 Section 7 of the California Constitution, or The Fifth and Fourteenth
25 Amendments to the United States Constitution to withhold this Cross-
26 Examination material that they obtained and currently have in their possession.
27

28 Given that they have denied access to this information solely to bolster the


1 credibility of a Deputy Sheriff Witness; [REDACTED] that they fully know is a flat
2 out liar, they are acting in bad faith.

3
4 **CONCLUSION**

5 Therefore, the Petitioner requests that the Department be sanctioned by way
6 of exclusion of her testimony and all derivative forms at the Civil Service and
7 dismiss this case by ordering the Petitioner reinstated with full back pay and a
8 finding of Unfounded as they intentionally and flagrantly violated his rights to a
9 fair hearing by preventing him from fully preparing to defend this action on the
10 merits and such prejudice is irreversible.

11
12
13 June 20, 2017

Respectfully submitted,

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16 MICHAEL A. GOLDFEDER,
17 Attorney for Petitioner
18 Caren Mandoyan
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DECLARATION OF MICHAEL A. GOLDFEDER

I, Michael A. Goldfeder, declare and state as follows:

1. I am over the age of 18 and the Attorney of Record for the Petitioner in the within action titled: In the Matter of the Discharge of Deputy Sheriff Caren Mandoyan, Case No. 16-276.

2. I make this declaration in support of the Petitioner's motion to exclude evidence. I personally sent and received the below listed e-mails, and documents attached as part of the disclosure by the LASD.

3. The facts stated in this declaration are based upon my personal knowledge and if called as a witness in this matter I would testify to the following:

4. Attached as **Exhibit A** are the blacked out censored transcripts from the IAB Interview of Deputy Sheriff [REDACTED]

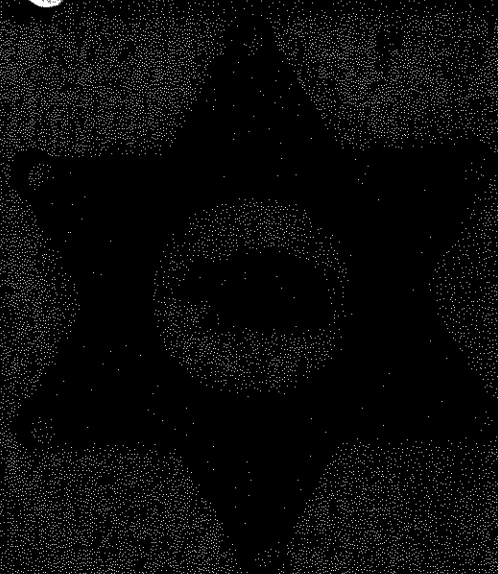
5. Attached as **Exhibit B** is the e-mail exchange dated May 22, 2017 through June 12, 2017.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 20th day of June, 2017 at El Segundo, California.


MICHAEL A. GOLDFEDER

Exhibit A



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

CA Penal Code 26100

Incident Date: Saturday, September 1, 2014
and July 28, 2015

Department Knowledge: June 23, 2015

Stipule Date: August 10, 2016

INTERNAL AFFAIRS BUREAU INVESTIGATIVE REPORT

CONFIDENTIAL

ADDENDUM

And at any point, did Deputy [REDACTED] ever say anything about [REDACTED] sending, that [REDACTED] may have sent those text messages?

I, I, when I talked to [REDACTED] it was just, to my recollection, it was brief about her telling me that I needed to call [REDACTED] and talk to her, that she had information about what was transpiring, what Mandoyan was doing.

All right.

I kept my conversations with [REDACTED] brief.

Chulak:

Chulak:

Chulak:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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SUBJECT [REDACTED] [REDACTED]

SUBJECT [REDACTED] [REDACTED]

[illegible]

[illegible]

[illegible]

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

[REDACTED] All right. Is there anything else that I haven't asked you that you feel is important and related to this investigation?

[REDACTED] No.

Chulak: Thank you for the opportunity sergeant, I'm don't have any clarifying questions.

[REDACTED] I show the time is 11:40 and that will conclude the interview.

End of interview.

Exhibit B

Re: Discovery Disclosure Request: Second Request

Michael Goldfeder <michaelgoldfeder@hotmail.com>

Mon 6/12/2017 4:00 PM

To: Roam, Christine D. <CDRoam@lasd.org>;

Thank you for your truncated legal analysis which isn't even on point. I'll leave it at that as I'm going to move forward with my motion. You clearly do not understand my correspondence. There is no need for any further response unless it will be to provide me with the materials that I have now requested twice. I will not be asking for them again.

From: Roam, Christine D. <CDRoam@lasd.org>

Sent: Monday, June 12, 2017 2:20 PM

To: Michael Goldfeder

Subject: RE: Discovery Disclosure Request: Second Request

Good Afternoon, Mr. Goldfeder –

I apologize for not responding sooner. I was out on vacation for three weeks and returned last week. I'm still trying to catch up, and I appreciate your follow-up email.

Despite your assertions to the contrary, the courts have consistently held there is no constitutional right to pretrial discovery in administrative proceedings. Additionally, I would call your attention to page 2 of the Investigative Summary in the addendum. It explains that any information related to an audio recorded telephone conversation between Subject Mandoyan and Subject [REDACTED] was deliberately excluded from the investigation based on advice of County Counsel (no doubt concerned about the legality of the recording). Because that information was redacted from the investigation, the decision maker did not consider it. Since the decision maker did not consider it, there is no violation of Skelly or POBRA.

Regards –

Chris

Sgt. Christine Roam

Los Angeles County Sheriff's Department

"If everyone is thinking alike, then someone isn't thinking." George S. Patton

Confidential and Privileged Communication. This email message, including any attachments, is for the sole use of the intended recipient(s). It contains information that may be confidential, privileged, or otherwise protected from disclosure under applicable law. If you have received this message in error, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify the sender immediately if you have received this message in error, and destroy this message, including any attachments. Thank you.

From: Michael Goldfeder [mailto:michaelgoldfeder@hotmail.com]

Sent: Monday, June 12, 2017 12:21 PM

To: Roam, Christine D. <CDRoam@lasd.org>

Subject: Discovery Disclosure Request: Second Request

Sergeant Roam:

This is my **Second and Last Request** for the listed information.

In reviewing the IAB File in this matter; #IV 2383392 I noted several discovery deficiencies that need to be corrected. First and foremost, the IAB Interview of Deputy Sheriff [REDACTED] [REDACTED] conducted on July 28, 2016 that was contained in the Addendum to this Investigation was shockingly incomplete.

The second (2nd) interview of Deputy [REDACTED] was inappropriately redacted starting on page 16 through the conclusion on page 39. These pages are also listed as 24-47 in the PDF numeric if you track pages in that Bates Stamp format for your convenience.

Moreover, the oral interview from this same July 28, 2016 interview was also not included in my discovery packet and is MIA as well.

Not too surprising since the redaction that was undertaken in this regard was a clear violation of my client's right to Due Process of Law under both the US and California Constitutions, as well as his statutory mandates under Government Code Sections 3300 et seq., AKA: "POBAR."

Given that this is an LA County Civil Service Hearing and not a FISA Court, I would request that you provide me with these two (2) items ASAP before the conclusion of the month as that is sufficient time to process a ministerial task.

Just for clarity I am requesting as follows:

1. The unredacted interview transcript of Deputy Sheriff [REDACTED] [REDACTED] conducted by Sergeant [REDACTED] on July 28, 2016; and
2. The unredacted Oral interview tape of Deputy Sheriff [REDACTED] [REDACTED] conducted by Sergeant [REDACTED] on

July 28, 2016.

If these two (2) items are not in my possession before the end of this week; **Friday June 16, 2017**. I will be making a motion to exclude any and all testimony of Deputy Sheriff [REDACTED] at the Hearing based on this overt transgression of my client's right to conduct a meaningful cross-examination. I will also be moving to exclude any and all derivative testimony, statements, exhibits, and all other demonstrative materials associated with this Investigation.

Michael A. Goldfeder

Caryn Mandoyan Hearing

Michael Goldfeder <michaelgoldfeder@hotmail.com>

Mon 5/22/2017 8:32 PM

To: Roam, Christine D. <CDRoam@lasd.org>;

Bcc: carl918v@gmail.com <carl918v@gmail.com>;

Sergeant Roam:

In reviewing the IAB File in this matter; #IV 2383392 I noted several discovery deficiencies that need to be corrected. First and foremost, the IAB Interview of Deputy Sheriff [REDACTED] [REDACTED] conducted on July 28, 2016 that was contained in the Addendum to this Investigation was shockingly incomplete.

The second (2nd) interview of Deputy [REDACTED] was inappropriately redacted starting on page 16 through the conclusion on page 39. These pages are also listed as 24-47 in the PDF numeric if you track pages in that Bates Stamp format for your convenience.

Moreover, the oral interview from this same July 28, 2016 interview was also not included in my discovery packet and is MIA as well.

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Given that this is an LA County Civil Service Hearing and not a FISA Court, I would request that you provide me with these two (2) items ASAP before the conclusion of the month as that is sufficient time to process a ministerial task.

Just for clarity I am requesting as follows:

1. The unredacted interview transcript of Deputy Sheriff [REDACTED] [REDACTED] conducted by Sergeant [REDACTED] on July 28, 2016; and
2. The unredacted Oral interview tape of Deputy Sheriff [REDACTED] [REDACTED] conducted by Sergeant [REDACTED] on July 28, 2016.

If these two (2) items are not in my possession before the end of the month, I will be making a motion to exclude any testimony of Deputy Sheriff [REDACTED] [REDACTED] at the Hearing based on this overt transgression of my client's right to conduct a meaningful cross-examination.

Michael A. Goldfeder

1 PROOF OF PERSONAL SERVICE C.C.P.

2
3 STATE OF CALIFORNIA)
4 COUNTY OF LOS ANGELES)

5
6 I am employed in the county aforesaid; I am over the age of eighteen years and not a
7 party to the within entitled action; my business address is:

8 400 Continental Boulevard, 6th Floor, El Segundo, CA 90245.

9 On June 20, 2017 I personally served the within document described as:

10 **Petitioner Carl Mandoan's Notice of Motion and Motion to Exclude Testimony**

11 On interested parties in this action by placing a true copy thereof enclosed in a sealed
12 envelope addressed as follows:

13
14 Joseph Scully-Hearing Officer
c/o-Civil Service Commission

Hand Served

15
16 Civil Service Commission
Room 522 Kenneth Hahn Hall of Administration
500 West Temple Street
17 Los Angeles, Ca. 90012

Hand Served

18
19 Christine Roam-
Los Angeles County Sheriff's Department
4900 S. Eastern Avenue, # 101
20 City of Commerce, Ca. 90040

Hand Served

21
22 I declare, under penalty of perjury, under the laws of the State of California, that the
23 foregoing is true and correct. Executed on June 20, 2017 at Los Angeles, California.

24
25 
26 Michael A. Goldfeder

1 Michael A. Goldfeder, SBN 162381
2 Attorney at Law
3 400 Continental Boulevard, 6th Floor
4 El Segundo, CA. 90245
5 (310) 374-7011

6 Attorney for Petitioner,
7 Caren Mandoyan

RECEIVED

LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMISSION

JUN 20 2017

COUNTY OF LOS ANGELES

9 IN THE MATTER OF THE
10 DISCHARGE OF CAREN MANDOYAN,)

11 Petitioner,)

12 v.)

13 COUNTY OF LOS ANGELES
14 SHERIFF'S DEPARTMENT,)

15 Respondent.)

CASE NO.: 16-276

CAREN MANDOYAN'S NOTICE
OF MOTION AND MOTION TO
EXCLUDE THE TESTIMONY OF
[REDACTED] BASED ON THE
DEPARTMENT'S REFUSAL TO
DISCLOSE HER EXCULPATORY
IMPEACHMENT EVIDENCE IN
VIOLATION OF CIVIL SERVICE
COMMISSION RULE 4.07;
ARTICLE 1 § 7 OF THE STATE
OF CALIFORNIA CONSTITUTION;
THE FIFTH AND FOURTEENTH
AMENDMENTS OF THE UNITED
STATES CONSTITUTION;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF
MICHAEL A. GOLDFEDER

DATES: July 24, 25, 26, 2017
TIME : 9:00 a.m.

Hearing Officer Joseph Scully

23 TO: THE COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION,
24 HEARING OFFICER JOSEPH SCULLY, AND THE RESPONDENT LOS
25 ANGELES COUNTY SHERIFF'S DEPARTMENT AND THEIR
26 REPRESENTATIVE OF RECORD:
27

28 Michael A. Goldfeder,
Attorney at Law
400 Continental Boulevard
6th Floor
El Segundo, CA. 90245

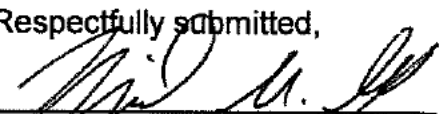
1
PETITIONER CAREN MANDOYAN'S MOTION TO EXCLUDE TESTIMONY

1 The Petitioner Caren Mandoyan hereby GIVES NOTICE that on July 24, 2017
2 at 9:00 a.m. he will move to exclude the testimony of Witness [REDACTED] and
3 all of her derivative statements and exemplars in this matter based on the
4 Department's refusal to disclose both audio recordings and written exculpatory
5 statements made by her to Investigators that were censored with black out ink.
6
7 **(Attached as Exhibit A)** This request for relief is based on the grounds that this
8 Petitioner is being denied Due Process of Law to conduct a meaningful cross-
9 examination of this witness who has already engaged in overt and fraudulent lies
10 throughout the course of her multiple interviews with the El Segundo Police
11 Department, IAB Investigation, and documents filed under penalty of perjury by
12 her in a TRO at the Stanley Mosk Courthouse.
13

14 Now the Department has refused to provide these admissions against her
15 interests related to criminal conduct undertaken by her that will not only impact
16 her veracity and credibility as a witness, but subject her to probable criminal
17 prosecution and her own IAB Investigation based on these transgressions. The
18 Petitioner has requested these materials by way of an informal e-mail meet and
19 confer, and has repeatedly been rebuffed by the Department. **(Attached as**
20
21 **Exhibit B)** Therefore, the Petitioner is asking that all her testimony be excluded
22 based on this notice of motion, memorandum of points and authorities, and any
23 oral argument as presented at the time of the hearing of this motion.
24

25 June 20, 2017

Respectfully submitted,


MICHAEL A. GOLDFEDER,
Attorney for Petitioner,
Caren Mandoyan

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1 interchangeably. See, e.g., CCP §1094.5; Witt Home Ranch, Inc. v. County of
2 Sonoma (2008) 165 Cal.App.4th 543, 565.

3
4 The Petitioner has a fundamental right to Due Process of Law under the
5 foregoing Rule 4.07 to conduct a meaningful examination of the Department's
6 complaining witness in this case; Los Angeles County Deputy Sheriff [REDACTED]

7 [REDACTED] Unfortunately, as the Department is well aware, her testimony is not only
8 nonsensical and strikingly inconsistent, it is a flat out distortion. In an effort to
9 prevent the Petitioner from conducting a meaningful examination of their non-
10 believable witness, that they themselves don't even believe, the Department has
11 refused to provide the audio tape and transcription of an interview of [REDACTED]
12 [REDACTED] whereby she fostered more lies and outlandish statements that will further
13 impact her credibility as a witness. Moreover, given that two (2) Deputy District
14 Attorney's from the LA County District Attorney's Office who specialized in
15 Domestic Violence cases with over 52 years of collective experience as
16 Prosecutors found her to be lacking in any credibility as no criminal case was
17 ever filed, when that collective decision was made they were not privy to the
18 subsequent expansive distortions created by Deputy [REDACTED] [REDACTED] in the IAB.
19
20
21

22 Their (DA) decision not to file a criminal case that was devoid of any and all
23 merit from its inception was decided well before the plethora of lies from [REDACTED]
24 [REDACTED] that were unearthed in the IAB Investigation by the Department.

25
26 Amazingly though, the Department elected not to connect the dots choosing
27 instead to protect and hide her incriminating statements from the Petitioner.
28

1 Her

2
3 never ending cascade of devastating lies and fabricated events created out of
4 whole cloth by [REDACTED] [REDACTED] cannot withstand the scrutiny of cross-examination
5 which is why these Draconian efforts to hide and withhold this evidence have
6 been undertaken by the Department in the hopes of keeping her from looking
7 any worse with these latest criminal revelations.
8

9 The seminal case of Matthews v. Eldridge, (1976) 424 US 319 articulated the
10 concept that: "Procedural due process imposes constraints on governmental
11 decisions which deprive individuals of "liberty" or "property" interests within the
12 meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." ...
13 The fundamental requirement of due process is the opportunity to be heard "at a
14 meaningful time and in a meaningful manner." Armstrong v. Manzo, 380 U.S.
15 545, 552 (1965). See Grannis v. Ordean, 234 U.S. 385, 394 (1914)... The
16 essence of due process is the requirement that "a person in jeopardy of serious
17 loss [be given] notice of the case against him and opportunity to meet it." Joint
18 Anti-Fascist Comm. v. McGrath, 341 U.S., at 171-172 (Frankfurter, [424 U.S.
19 319, 349] J., concurring).
20
21

22 As was noted in the request for this cross-examination information on two
23 separate occasions beginning in May, 2017, the Department has constricted
24 Petitioner's opportunity to thoroughly prepare his case to fully expose the
25 fabrications of [REDACTED] [REDACTED] This deprivation of cross-examination is
26 unwarranted, inappropriate, and necessitates the striking and exclusion of this
27
28

1 witness as an affront to the concept of Due Process of Law.

2 In People v. Ramirez, (1979) 25 Cal.3d 260, the California Supreme Court
3 adopted the federal factors laid out in Mathews, but added the dignitary
4 protection of individuals. As reframed, the California due process factors are: "(1)
5 the private interest that will be affected by the official action; (2) the risk of an
6 erroneous deprivation of such interest through procedures used, and the
7 probable value, if any, of additional safeguards; (3) the dignitary interest in
8 informing individuals of the nature, grounds and consequences of the action and
9 in enabling them to present their side of the story before a responsible
10 government official; and (4) the governmental interest, including the function
11 involved and the fiscal and administrative burdens that the additional or
12 substantive procedural requirement would entail." (Id. at 268-69.)
13
14

15
16 **SWORN TESTIMONY AND NON-SWORN STATEMENTS**

17 "Witnesses may be required to testify under oath. Requiring testimony to be
18 given under oath is useful where witnesses are self-interested and have a
19 motivation to lie, and where issues of facts are "fully and hotly contested." Mohilef
20 v. Janovici (1996) 51 Cal.App.4th 267, 291. Our experience suggests that
21 personnel discipline and civil service commission hearings generally require
22 witnesses to be sworn. In discipline hearings, quasi-judicial bodies may face
23 conflicting testimony from the employee and his or her supervisor. There may
24 also be testimony from investigators, and from witnesses who observed the
25 employee's behavior. The parties may dispute important facts, with limited ability
26 for decision makers to rely on independently trustworthy sources. And because
27
28

1 the private interest involved – one's employment – is such a carefully protected
2 property right, we find that disciplinary actions more closely resemble court
3 proceedings than most other local agency quasi-judicial proceedings. Swearing
4 in, cross-examination, court reporters, and rights of rebuttal are common features
5 in disciplinary actions."
6

7 THE ABSOLUTE RIGHT TO CROSS-EXAMINATION

8
9
10 Cross-examination is another feature of due process that sometimes appears
11 in quasi-judicial proceedings to ensure that the evidence presented is competent
12 and witnesses credible. As stated by a Court of Appeal, "[c]ross examination is
13 the greatest legal engine ever invented for the discovery of truth."
14

15 Manufactured Home Communities v. County of San Luis Obispo, (2008)167
16 Cal.App.4th 705, 712. [Emphasis Added]

17 The court in Manufactured Home Communities cites a number of cases
18 where courts found a right to cross-examine witnesses, stating that it is
19 especially important where findings against a party are based on an adverse
20 witness's testimony. *Giuffre v. Sparks* (1999) 76 Cal.App.4th 1322, 1330
21 [disciplinary hearings]; *Davis v. Mansfield Metropolitan Housing Authority* (6th
22 Cir. 1984) 751 F.2d 180, 185 [housing authority]; *Welfare Rights Organization v.*
23 *Crisan* (1983) 33 Cal.3d 766, 769 [welfare]; *Pence v. Industrial Acc. Com.* (1965)
24 63 Cal.2d 48, 50-51 [industrial accident]; *Desert Turf Club v. Board of*
25 *Supervisors* (1956) 141 Cal.App.2d 446, 455 [use permit].) (Fremont Indemnity
26
27
28

1 Co. v. Workers' Comp. Appeals Bd. (1984) 153 Cal.App.3d 965, 971; Palmer v.
2 Rent Control Board of Brookline (1979) 7 Mass.App.Ct. 110 [386 N.E.2d 1047,
3
4 1050] [rent control board erred by not allowing landlord to cross-examine
5 investigator who provided report to the board].
6

7 In the context of hearsay, it cannot be gainsaid that the right to require the
8 witnesses against one to appear in court, and that they be subject to cross-
9 examination, is of major importance in our system of jurisprudence. (See
10 Englebreton v. Industrial etc. Com. (1915) 170 Cal. 793, 798 [151 P. 421].) The
11 opportunity for cross-examination has been called " 'the greatest legal engine
12 ever invented for the discovery of truth.' " (People v. Reynolds (1984) 152 Cal.
13 App. 3d 42, 46 [199 Cal. Rptr. 379], quoting 5 Wigmore, Evidence (3d ed. 1940)
14

15 The Petitioner in this case contends that the charges levied against him
16 are wholly without merit and utter fabrications by a former girlfriend who felt
17 scorned and became very vindictive once she found out that he had
18 consummated a dating relationship with a former rival of Deputy Sheriff [REDACTED]
19

20 [REDACTED] Consequently, just as the Court stated in the case of Joaquin v. City of
21 Los Angeles, (2012) 202 Cal. App. 4th 1207: This includes making frivolous
22 accusations, or accusations grounded in prejudice. For it 'cannot be true
23 that a plaintiff can file false charges, lie to an investigator, and possibly
24 defame co-employees, without suffering repercussions simply because the
25 investigation was about sexual harassment. To do so would leave
26 employers with no ability to fire employees for defaming other employees
27
28

1 or the employer through their complaint when the allegations are without
2 any basis in fact.' [Citation.] ... '[The antidiscrimination laws were] not
3
4 designed to "arm employees with a tactical coercive weapon" under which
5 employees can make baseless claims simply to "advance their own retaliatory
6 motives and strategies." ... Were we to adopt a different standard, an employee
7 could immunize his unreasonable and malicious internal complaints simply by
8 filing a discrimination complaint with a government agency. [Emphasis Added]
9

10 The Department has embraced the overtly false allegations of Deputy Sheriff
11 [REDACTED] then taken it several steps further by eliminating the Petitioner's
12 Fundamental Right to Due Process of Law by constricting his Cross-Examination
13 of [REDACTED] with materials that will expose her scurrilous claims as utter
14 shams. Just as the two District Attorneys concluded with only a snippet of the
15 materials available to them for review. Now that her further non-believable
16 events have also surfaced that undermine and impair the Department's *House of*
17 *Cards Case*, they have taken Unconstitutional measures to abrogate any further
18 efforts to undermine her lack of credibility. Such bad faith conduct is a wholesale
19 manifestation that tramples both the California and United States Constitutions
20 as set forth infra.
21
22
23

24 Even deposition testimony taken in a Workers' Compensation case was
25 admissible in a Civil Service Commission Hearing over the objection of a
26 petitioner who claimed the deposition was done illegally by obviating his POBAR
27 Rights. Such a claim was held to be without substance by the Court in: Shafer
28

1 v. Los Angeles County Sheriff's Dept., (2003) 106 Cal. App. 4th 1388 which said:

2 "Shafer contends that the failure of the sheriff's department and the county
3
4 counsel to inform him that he was under investigation and of the nature of the
5 investigation violated section 3303, subdivision (c) and should have resulted in
6 the suppression of his deposition testimony. He states that even though the
7 deposition was ostensibly conducted in connection with a workers' compensation
8 claim, the county counsel taking the deposition had information from the sheriff's
9 department about the investigation, asked questions designed to elicit responses
10 in connection with the investigation, and sought Shafer's signature on the
11 deposition transcript before any hearing—an allegedly unusual request. Shafer
12 argues that therefore, the county counsel was acting on behalf of the sheriff's
13 department in connection with the deposition. **We conclude that the trial**
14 **court's determination that the deposition testimony could be used should**
15 **be affirmed.** ...Shafer initiated the workers' compensation proceeding. There is
16 no contention that Shafer's deposition could not be taken during that
17 proceeding...The county counsel took the deposition in a workers' compensation
18 proceeding—apparently on behalf of the county's insurance carrier. There was
19 sufficient evidence to support the trial court's conclusion that the deposition was
20 under the control of the county counsel's office and not the sheriff's department."

21 [Emphasis Added]

22 Just as the deposition could be used to attack the credibility of the witness in
23 Shafer, so too can the *blacked out* interview of [REDACTED] be utilized by the

1 Petitioner in this case to attack her credibility and be used as impeachment to
2 expose her ill contrived actions in this case too. Again, the Department's actions
3 and conduct to *black out her interview and withhold her audio recording* is
4 against the rule of law. The Shafer Court concluded that: "The trial court was not
5 required to suppress testimony given in another proceeding, especially as Shafer
6 was represented by counsel and was under oath. The trial court did not abuse its
7 discretion by not suppressing the deposition testimony...Even if the deposition
8 was the "fruit" of an earlier violation of the Act, as Shafer suggests, the trial court
9 is not required to apply the principles applicable to constitutional violations in
10 determining the appropriate remedy for statutory violations. (Williams v. City of
11 Los Angeles, supra, 47 Cal. App. 3d at p. 202.) In any event, referring to
12 constitutional law by analogy would be unavailing to Shafer under existing
13 authority because the "fruit of the poisonous tree" doctrine has been held not to
14 require suppression of statements subject to noncoercive Miranda v. Arizona
15 (1966) 384 U.S. 436 [16 L. Ed. 2d 694, 86 S. Ct. 1602] violations. (People v.
16 Brewer (2000) 81 Cal.App.4th 442, 454 [96 Cal. Rptr. 2d 786]; People v.
17 Whitfield (1996) 46 Cal.App.4th 947, 955 [54 Cal. Rptr. 2d 370].)...Accordingly,
18 there was no violation of the Act in connection with the deposition."
19
20
21
22

23 The Department has no basis under Civil Service Commission Rule 4.07,
24 Article 1 Section 7 of the California Constitution, or The Fifth and Fourteenth
25 Amendments to the United States Constitution to withhold this Cross-
26 Examination material that they obtained and currently have in their possession.
27

28 Given that they have denied access to this information solely to bolster the


1 credibility of a Deputy Sheriff Witness; [REDACTED] that they fully know is a flat
2 out liar, they are acting in bad faith.

3
4 **CONCLUSION**

5 Therefore, the Petitioner requests that the Department be sanctioned by way
6 of exclusion of her testimony and all derivative forms at the Civil Service and
7 dismiss this case by ordering the Petitioner reinstated with full back pay and a
8 finding of Unfounded as they intentionally and flagrantly violated his rights to a
9 fair hearing by preventing him from fully preparing to defend this action on the
10 merits and such prejudice is irreversible.

11
12 June 20, 2017

Respectfully submitted,

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16 MICHAEL A. GOLDFEDER
17 Attorney for Petitioner
18 Caren Mandoyan
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DECLARATION OF MICHAEL A. GOLDFEDER

I, Michael A. Goldfeder, declare and state as follows:

1. I am over the age of 18 and the Attorney of Record for the Petitioner in the within action titled: In the Matter of the Discharge of Deputy Sheriff Caren Mandoyan, Case No. 16-276.

2. I make this declaration in support of the Petitioner's motion to exclude evidence. I personally sent and received the below listed e-mails, and documents attached as part of the disclosure by the LASD.

3. The facts stated in this declaration are based upon my personal knowledge and if called as a witness in this matter I would testify to the following:

4. Attached as **Exhibit A** are the blacked out censored transcripts from the IAB Interview of Deputy Sheriff [REDACTED]

5. Attached as **Exhibit B** is the e-mail exchange dated May 22, 2017 through June 12, 2017.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 20th day of June, 2017 at El Segundo, California.


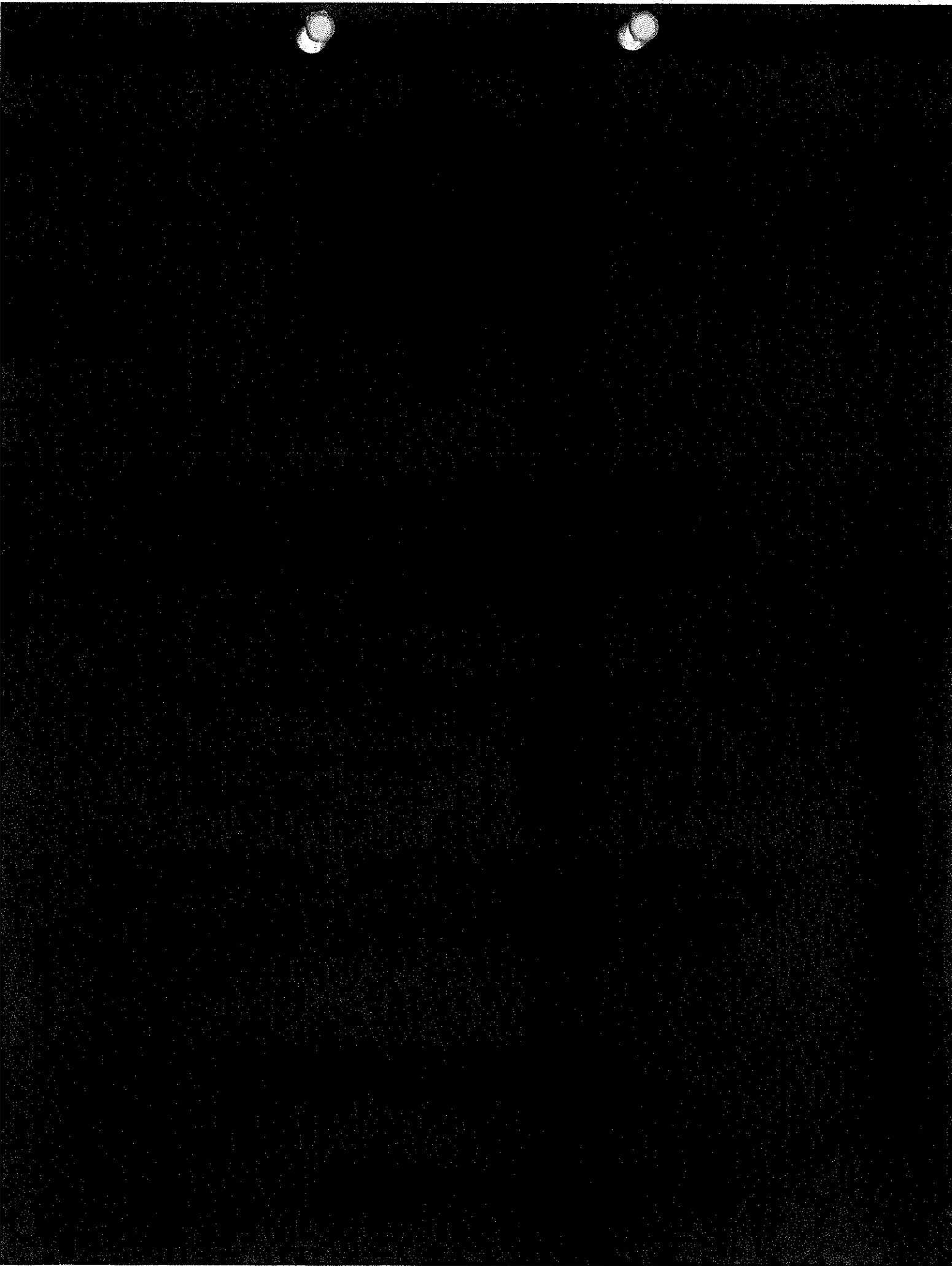

MICHAEL A. GOLDFEDER

Exhibit A



And at any point, did Deputy [REDACTED] ever say anything about [REDACTED] sending, that [REDACTED] may have sent those text messages?

I, I, when I talked to [REDACTED] it was just, to my recollection, it was brief about her telling me that I needed to call [REDACTED] and talk to her, that she had information about what was transpiring, what Mandoyan was doing.

All right.

I kept my conversations with [REDACTED] brief.

Chulak:

Chulak:

Chulak:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Chulak:

[REDACTED]

[REDACTED]

[REDACTED]

Chulak:

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[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

Chulak: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

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[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

SUBJECT [REDACTED] [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

Chulak: [REDACTED]

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

[REDACTED] All right. Is there anything else that I haven't asked you that you feel is important and related to this investigation?

[REDACTED] No.

Chulak: Thank you for the opportunity sergeant, I'm don't have any clarifying questions.

[REDACTED] I show the time is 11:40 and that will conclude the interview.

End of interview.

Exhibit B

Re: Discovery Disclosure Request: Second Request

Michael Goldfeder <michaelgoldfeder@hotmail.com>

Mon 6/12/2017 4:00 PM

to Roam, Christine D. <CDRoam@lasd.org>;

Thank you for your truncated legal analysis which isn't even on point. I'll leave it at that as I'm going to move forward with my motion. You clearly do not understand my correspondence. There is no need for any further response unless it will be to provide me with the materials that I have now requested twice. I will not be asking for them again.

From: Roam, Christine D. <CDRoam@lasd.org>

Sent: Monday, June 12, 2017 2:20 PM

To: Michael Goldfeder

Subject: RE: Discovery Disclosure Request: Second Request

Good Afternoon, Mr. Goldfeder –

I apologize for not responding sooner. I was out on vacation for three weeks and returned last week. I'm still trying to catch up, and I appreciate your follow-up email.

Despite your assertions to the contrary, the courts have consistently held there is no constitutional right to pretrial discovery in administrative proceedings. Additionally, I would call your attention to page 2 of the Investigative Summary in the addendum. It explains that any information related to an audio recorded telephone conversation between Subject Mandoyan and Subject [REDACTED] was deliberately excluded from the investigation based on advice of County Counsel (no doubt concerned about the legality of the recording). Because that information was redacted from the investigation, the decision maker did not consider it. Since the decision maker did not consider it, there is no violation of Skelly or POBRA.

Regards –

Chris

Sgt. Christine Roam

Los Angeles County Sheriff's Department

"If everyone is thinking alike, then someone isn't thinking." George S. Patton

Confidential and Privileged Communication. This email message, including any attachments, is for the sole use of the intended recipient(s). It contains information that may be confidential, privileged, or otherwise protected from disclosure under applicable law. If you have received this message in error, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify the sender immediately if you have received this message in error, and destroy this message, including any attachments. Thank you.

From: Michael Goldfeder [mailto:michaelgoldfeder@hotmail.com]
Sent: Monday, June 12, 2017 12:21 PM
To: Roam, Christine D. <CDRoam@lasd.org>
Subject: Discovery Disclosure Request: Second Request

Sergeant Roam:

This is my **Second and Last Request** for the listed information.

In reviewing the IAB File in this matter; #IV 2383392 I noted several discovery deficiencies that need to be corrected. First and foremost, the IAB Interview of Deputy Sheriff [REDACTED] conducted on July 28, 2016 that was contained in the Addendum to this Investigation was shockingly incomplete.

The second (2nd) interview of Deputy [REDACTED] was inappropriately redacted starting on page 16 through the conclusion on page 39. These pages are also listed as 24-47 in the PDF numeric if you track pages in that Bates Stamp format for your convenience.

Moreover, the oral interview from this same July 28, 2016 interview was also not included in my discovery packet and is MIA as well.

Not too surprising since the redaction that was undertaken in this regard was a clear violation of my client's right to Due Process of Law under both the US and California Constitutions, as well as his statutory mandates under Government Code Sections 3300 et seq., AKA: "POBAR."

Given that this is an LA County Civil Service Hearing and not a FISA Court, I would request that you provide me with these two (2) items ASAP before the conclusion of the month as that is sufficient time to process a ministerial task.

Just for clarity I am requesting as follows:

1. The unredacted interview transcript of Deputy Sheriff [REDACTED] conducted by Sergeant [REDACTED] on July 28, 2016; and
2. The unredacted Oral interview tape of Deputy Sheriff [REDACTED] conducted by Sergeant [REDACTED] on

July 28, 2016.

If these two (2) items are not in my possession before the end of this week; **Friday June 16, 2017**. I will be making a motion to exclude any and all testimony of Deputy Sheriff [REDACTED] at the Hearing based on this overt transgression of my client's right to conduct a meaningful cross-examination. I will also be moving to exclude any and all derivative testimony, statements, exhibits, and all other demonstrative materials associated with this Investigation.

Michael A. Goldfeder

Caryn Mandoyan Hearing

Michael Goldfeder <michaelgoldfeder@hotmail.com>

Mon 5/22/2017 8:32 PM

To: Roam, Christine D. <CDRoam@lasd.org>;

cc: carl918v@gmail.com <carl918v@gmail.com>;

Sergeant Roam:

In reviewing the IAB File in this matter, #IV 2383392 I noted several discovery deficiencies that need to be corrected. First and foremost, the IAB Interview of Deputy Sheriff [REDACTED] [REDACTED] conducted on July 28, 2016 that was contained in the Addendum to this Investigation was shockingly incomplete.

The second (2nd) interview of Deputy [REDACTED] was inappropriately redacted starting on page 16 through the conclusion on page 39. These pages are also listed as 24-47 in the PDF numeric if you track pages in that Bates Stamp format for your convenience.

Moreover, the oral interview from this same July 28, 2016 interview was also not included in my discovery packet and is MIA as well.

Not too surprising since the redaction that was undertaken in this regard was a clear violation of my client's right to Due Process of Law under both the US and California Constitutions, as well as his statutory mandates under Government Code Sections 3300 et seq., AKA: "POBAR."

Given that this is an LA County Civil Service Hearing and not a FISA Court, I would request that you provide me with these two (2) items ASAP before the conclusion of the month as that is sufficient time to process a ministerial task.

Just for clarity I am requesting as follows:

1. The unredacted interview transcript of Deputy Sheriff [REDACTED] [REDACTED] conducted by Sergeant Smeltzer on July 28, 2016; and
2. The unredacted Oral interview tape of Deputy Sheriff [REDACTED] [REDACTED] conducted by Sergeant [REDACTED] on July 28, 2016.

If these two (2) items are not in my possession before the end of the month, I will be making a motion to exclude any testimony of Deputy Sheriff [REDACTED] [REDACTED] at the Hearing based on this overt transgression of my client's right to conduct a meaningful cross-examination.

Michael A. Goldfeder

1 PROOF OF PERSONAL SERVICE C.C.P.

2
3 STATE OF CALIFORNIA)
4 COUNTY OF LOS ANGELES)

5
6 I am employed in the county aforesaid; I am over the age of eighteen years and not a
7 party to the within entitled action; my business address is:

8 400 Continental Boulevard, 6th Floor, El Segundo, CA 90245.

9 On June 20, 2017 I personally served the within document described as:

10 **Petitioner Carl Mandoyan's Notice of Motion and Motion to Exclude Testimony**

11 On interested parties in this action by placing a true copy thereof enclosed in a sealed
12 envelope addressed as follows:

13 Joseph Scully-Hearing Officer
14 c/o-Civil Service Commission

Hand Served

15 Civil Service Commission
16 Room 522 Kenneth Hahn Hall of Administration
17 500 West Temple Street
Los Angeles, Ca. 90012

Hand Served

18 Christine Roam-
19 Los Angeles County Sheriff's Department
20 4900 S. Eastern Avenue, # 101
City of Commerce, Ca. 90040

Hand Served

21
22 I declare, under penalty of perjury, under the laws of the State of California, that the
23 foregoing is true and correct. Executed on June 20, 2017 at Los Angeles, California.
24

25
26 
Michael A. Goldfeder



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS: DENNIS F. HERNANDEZ • NAOMI NIGHTINGALE • STEVEN AFRIAT • JOHN DONNER • Z. GREG KAHWAJIAN
LAWRENCE D. CROCKER, EXECUTIVE DIRECTOR • STEVE CHENG, HEAD CIVIL SERVICE COMMISSION

March 1, 2017

NOTICE OF CONTINUATION OF HEARING

SUBJECT OF HEARING
Petition of CAREN MANDOYAN for a hearing on her discharge , effective September 14, 2016, from the position of Deputy Sheriff, Sheriff's Department, Case No. 16-276 .

DATE(S)	TIME	PLACE
Monday, July 24, 2017 Tuesday, July 25, 2017 Wednesday, July 26, 2017	9:00 A.M.	ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION 500 W. TEMPLE STREET LOS ANGELES, CA 90012

REPRESENTATIVE/ATTORNEY FOR APPELLANT	REPRESENTATIVE/ATTORNEY FOR DEPARTMENT
MICHAEL GOLDFELDER ATTORNEY AT LAW 400 CONTINENTAL BLVD, FL 6 EL SEGUNDO, CA 90245	CHRISTINE ROAM L.A. COUNTY SHERIFF'S DEPARTMENT 4900 S EASTERN AVENUE SUITE 101 COMMERCE, CA 90040

HEARING OFFICER:	JOSEPH SCULLY
-------------------------	---------------

All parties' attendance is required at the above-referenced date and time, along with any evidence and/or witnesses you plan on presenting. **Parties are expected to bring two (2) copies of any proposed exhibit(s) for the Hearing Officer and one (1) copy for the opposing party.** Subpoena forms are available upon request, at no charge.

Lawrence D. Crocker

Lawrence D. Crocker
Executive Director

c: Caren Mandoyan
Michael Goldfeder
Christine Roam
Joseph Scully



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS: DENNIS F. HERNANDEZ • NAOMI NIGHTINGALE • STEVEN AFRIAT • JOHN DONNER • Z. GREG KAHWAJIAN
LAWRENCE D. CROCKER, EXECUTIVE DIRECTOR • STEVE CHENG, HEAD CIVIL SERVICE COMMISSION

February 8, 2017

NOTICE OF HEARING

SUBJECT OF HEARING
Petition of CAREN MANDOYAN for a hearing on her discharge , effective September 14, 2016, from the position of Deputy Sheriff, Sheriff's Department, Case No. 16-276.

DATE(S)	TIME	PLACE
Monday, May 22, 2017 Tuesday, May 23, 2017 Wednesday, May 24, 2017	9:00 A.M.	ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION 500 W. TEMPLE STREET LOS ANGELES, CA 90012

REPRESENTATIVE/ATTORNEY FOR APPELLANT	REPRESENTATIVE/ATTORNEY FOR DEPARTMENT
MICHAEL GOLDFELDER ATTORNEY AT LAW 400 CONTINENTAL BLVD, FL 6 EL SEGUNDO, CA 90245	CHRISTINE ROAM L.A. COUNTY SHERIFF'S DEPARTMENT 4900 S EASTERN AVENUE SUITE 101 COMMERCE, CA 90040

HEARING OFFICER:	JOSEPH SCULLY
------------------	---------------

All parties' attendance is required at the above-referenced date and time, along with any evidence and/or witnesses you plan on presenting. **Parties are expected to bring two (2) copies of any proposed exhibit(s) for the Hearing Officer and one (1) copy for the opposing party.** Subpoena forms are available upon request, at no charge.

Lawrence D. Crocker

Lawrence D. Crocker
Executive Director

c: Caren Mandoyan
Michael Goldfeder
Christine Roam
Joseph Scully



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS: DENNIS F. HERNANDEZ • NAOMI NIGHTINGALE • STEVEN AFRIAT • JOHN DONNER • Z. GREG KAHWAJIAN
LAWRENCE D. CROCKER, EXECUTIVE DIRECTOR • STEVE CHENG, HEAD CIVIL SERVICE COMMISSION

February 8, 2017

SPECIAL NOTICE

CAREN MANDOYAN (16-276)

Civil Service Rule 4 requires the parties to confer and attempt to prepare a written statement setting forth the specific facts or contentions in issue. These facts or contentions must fall within the scope of the hearing as defined by the Commission. The party having the burden of proof shall contact the other party and schedule a conference to be held at least ten business days prior to the hearing. The written statement must be filed with the Commission no later than five business days prior to the hearing. It must include an estimate of the time required for the hearing and a list of all witnesses intended to be called by each party.

If the parties fail to reach agreement on the facts or contentions, each party must file a written statement. The Hearing Officer shall resolve all disputes and announce the resolution as the first item of business in the hearing.

If either party does not participate in the preparation of the statement, the Hearing Officer shall accept the statement of the other party as to the facts and contentions in issue to the extent the statement conforms to the scope defined by the Commission.

On **December 14, 2016**, the Commission defined the issues in this matter as:

- Are the allegations contained in the department's letter of September 15, 2016, true?
- If any or all are true, is the discipline appropriate?

Lawrence D. Crocker
Executive Director

c: Caren Mandoyan
Michael Goldfeder
Christine Roam
Joseph Scully

Chang, Harry

From: Roam, Christine D. <CDRoam@lasd.org>
Sent: Tuesday, January 31, 2017 4:47 PM
To: Chang, Harry; CSC
Cc: michaelgoldfeder@hotmail.com
Subject: CSC 16-276

Hi Harry and Mr. Goldfeder –

I am the Advocate representing the Department in the Mandoyan (CSC 16-276) matter. Kindly direct any future correspondence related to this hearing to my attention.

Regards –

Chris

Sgt. Christine Roam
Los Angeles County Sheriff's Department
Advocacy Unit
4900 Eastern Ave. #101
Commerce, CA 90040
office - (323) 890-5413
fax – (323) 890-9797

“If everyone is thinking alike, then someone isn’t thinking.” George S. Patton

Confidential and Privileged Communication. This email message, including any attachments, is for the sole use of the intended recipient(s). It contains information that may be confidential, privileged, or otherwise protected from disclosure under applicable law. If you have received this message in error, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify the sender immediately if you have received this message in error, and destroy this message, including any attachments. Thank you.

**OFFICE OF THE SHERIFF****COUNTY OF LOS ANGELES****HALL OF JUSTICE****JIM McDONNELL, SHERIFF**

January 4, 2017

Via Facsimile (213) 974-2834

Lawrence D. Crocker
Los Angeles County Civil Service Commission
Room 522, Kenneth Hahn Hall of Administration
222 North Grand Avenue
Los Angeles, California 90012

RECEIVED
LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

Dear Civil Service Commission:

**IN THE MATTER OF THE DISCHARGE OF
GAREN MANDOYAN, CSC NO. 16-276**

In accordance with Civil Service Commission Rule 5.12, the Department rejects
the following Hearing Officer:

Linda Klibanow

Sincerely,

JIM McDONNELL, SHERIFF

Wendy Sha
Advocacy Unit

c: Michael Goldfeder, Esq., Law Offices of Micheal Goldfeder

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

1 Michael A. Goldfeder, SBN 162381
2 Attorney at Law
3 400 Continental Boulevard, 6th Floor
4 El Segundo, CA. 90245
5 (310) 374-7011

6 Attorney for Petitioner,
7 Caren Mandoyan

JAN - 4 2017

RECEIVED

LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

9 IN THE MATTER OF THE)
10 DISCHARGE OF CAREN MANDOYAN,)

11 Petitioner,)

12 v.)

13 COUNTY OF LOS ANGELES)
14 SHERIFF'S DEPARTMENT,)

15 Respondent.)
16)

CASE NO.: 16-276

CAREN MANDOYAN'S NOTICE
OF REJECTION OF HEARING
OFFICER ANGELA SHAW

DATE: January 4, 2017

17 TO: THE COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION, AND
18 THE RESPONDENT LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
19 AND THEIR COUNSEL OF RECORD:
20

21 The Petitioner Caren Mandoyan hereby exercises his right and rejects
22 ANGELA SHAW from the panel of Hearing Officers for his discharge hearing.

23 Respectfully submitted,
24

25 

26 MICHAEL A. GOLDFEDER,
27 Attorney for Petitioner,
28 Caren Mandoyan

1 PROOF OF SERVICE BY MAIL - 1013A, 2015.5 C.C.P.

2 STATE OF CALIFORNIA)
3)
4 COUNTY OF LOS ANGELES)

5 I am employed in the county aforesaid; I am over the age of eighteen years and
6 not a party to the within entitled action; my business address is:
7 400 Continental Boulevard, 6th Floor, El Segundo, CA 90245.

8 On January 4, 2017 I served the within document described as:

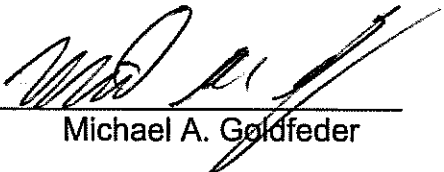
9 **Petitioner Carl Mandoyan's Notice of Rejecting Angela Shaw from the panel**
10 **of Hearing Officers**

11 On interested parties in this action by placing a true copy thereof enclosed in a
12 sealed envelope addressed as follows:

13
14 **See Mailing List Attached**

15 I am readily familiar with the firm's practice of collection and processing
16 correspondence for mailing. Under that practice it would be deposited with U.S.
17 postal service on that same day with postage thereon fully prepaid at Los Angeles,
18 California in the ordinary course of business. I am aware that on motion of the
19 party served, service is presumed invalid if postal collection date or postage meter
20 date is more than one day after date of deposit for mailing in affidavit.

21 I declare, under penalty of perjury, under the laws of the State of California,
22 that the foregoing is true and correct. Executed on January 4, 2017 at Los
23 Angeles, California.

24 
25 Michael A. Goldfeder



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS: DENNIS F. HERNANDEZ • NAOMI NIGHTINGALE • STEVEN AFRIAT • JOHN DONNER • Z. GREG KAHWAJIAN
LAWRENCE D. CROCKER, EXECUTIVE DIRECTOR • STEVE CHENG, HEAD CIVIL SERVICE COMMISSION

December 19, 2016

SELECTION OF HEARING OFFICER

SUBJECT OF HEARING

Petition of **CAREN MANDOYAN** for a hearing on her **discharge**, effective September 14, 2016, from the position of Deputy Sheriff, Sheriff's Department, **Case No. 16-276**.

On December 14, 2016, the Civil Service Commission granted a hearing in the above-referenced matter.

In accordance with Civil Service Commission Procedural Rule 5.12, the following are the names of hearing officers available:

JOSEPH SCULLY
ANGELA SHAW
LINDA KLIBANOW

Each party shall have ten (10) business days from the date of this notice to file with the Commission a rejection, in writing, of no more than one name on the list. Any party filing a notice of rejection shall mail a copy of such notice to all other parties.

After expiration of the ten (10) business days period, the Executive Director shall appoint, if more than one name remains, one of the persons on the list whose name was not properly rejected.

Written notice of the hearing officer and hearing dates will be sent to all parties.

Rejection due by 5:00 p.m., **January 4, 2017**.

Lawrence D. Crocker

Lawrence D. Crocker
Executive Director

c: Michael Goldfeder
Christopher Keosian



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS: DENNIS F. HERNANDEZ • NAOMI NIGHTINGALE • STEVEN AFRIAT • JOHN DONNER • Z. GREG KAHWAJIAN
LAWRENCE D. CROCKER, EXECUTIVE DIRECTOR • STEVE CHENG, HEAD CIVIL SERVICE COMMISSION

November 9, 2016

NOTICE OF CIVIL SERVICE COMMISSION

AGENDA ITEM

SUBJECT: *Petition of **CAREN MANDOYAN** for a hearing on her **discharge**, effective September 14, 2016, from the position of Deputy Sheriff, Sheriff's Department, Case No. 16-276.*

Notice is hereby given that the Los Angeles County Civil Service Commission ("Commission") will consider the above-referenced matter at its regular meeting on Wednesday, **December 14, 2016**. Commission meetings are held in Room 522, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, CA 90012, beginning at 9:30 a.m. You or your representative are welcome to attend. Although your presence is not mandatory, attendance at the meeting will give you or your representative an opportunity to clarify your position or answer any questions the Commission might have.

Any information submitted for the Commission's consideration, including, if applicable, documentation from the Department of Human Resources - Appeals Unit, must be received by 5:00 p.m., **November 30, 2016**. Any such information should also be provided to all parties.

The Commission strongly encourages the parties to meet and confer in an attempt to resolve this matter prior to the scheduled meeting date.

A handwritten signature in cursive script, reading "Lawrence D. Crocker", is positioned above the printed name.

Lawrence D. Crocker
Executive Director

Enclosure

c: Caren Mandoyan
Michael Goldfeder
Christopher Keosian

MICHAEL A. GOLDFEDER, ESQ.

Attorney and Counselor at Law

400 Continental Boulevard

6th Floor

El Segundo, CA. 90245

Telephone (310) 374-7011

Fax (678) 245-4272

RECEIVED
COUNTY OF L.A.

2016 SEP 26 AM 9:09

CIVIL SERVICE
COMMISSION

September 26, 2016

Los Angeles County
Civil Service Commission, Room 522
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA. 90012

PERSONALLY SERVED

Re: Deputy Caren C. Mandoyan Employee # [REDACTED]; Request for Hearing
(Discharge)

Dear Civil Service Commission:

The Petitioner, Deputy Sheriff Caren C. Mandoyan Employee # [REDACTED] in accordance with the Civil Service Rules Specifically Rule 18.02 hereby requests a Hearing on his discharge from the Los Angeles County Sheriff's Department. The Petitioner was informed on Tuesday September 20, 2016 of his discharge by certified/registered mail as required under that Civil Service Commission Rule by the Los Angeles County Sheriff's Department in their discharge letter dated September 14, 2015.

The Petitioner, Deputy Sheriff Caren C. Mandoyan hereby denies both generally and specifically each and every fact, conclusion; and allegation as set forth by the LASD in their letter of intention dated August 15, 2016, as well as their actual letter of discharge dated September 14, 2016 that was delivered via Certified US Mail on September 20, 2016.

The Petitioner, Deputy Sheriff Caren C. Mandoyan further denies violating any and all sections of the Department's Manual of Policy and Procedures; Policy and Ethics Chapters; as well as all sections related to Domestic Violence; Obedience to Laws, Regulations and Orders, et al.

The Petitioner, Deputy Sheriff Caren C. Mandoyan also requests that following issues be adhered to in this Hearing:

1. That the Hearing be closed pursuant to the Brown Act (Government Code Sections 54950 and 54957, as well as the confidentiality provisions of Penal Code Sections 832.7 and 832.8;

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Civil Service Commission
Request for a Formal Hearing Letter
Petitioner Caren C. Mandoyan
September 26, 2016

2. Also not to release any documentary materials or information to any member of the public pursuant to the CPRA (California Public Records Act) Government Code Section 6254 (k);
3. All requests and inquiries about this matter by the Commission should be directed solely to Petitioner's attorney of Record as follows:

Michael A. Goldfeder
Attorney at Law
400 Continental Boulevard, 6th Floor
El Segundo, CA. 90245

(310) 374-7011; Fax-(678) 245-4272; e-mail address:
michaelgoldfeder@hotmail.com

Based on the foregoing, the Petitioner denies there are sufficient grounds for the discipline imposed by the LASD and sets forth the following affirmative defenses:

- A. The facts, circumstances, and allegations lodged against the Petitioner herein do not support the discipline imposed, that the penalty is disproportionately harsh, and excessive. (Skelly v. State Personnel Board, (1975) 15 Cal. 3d 194; Blake v. State Personnel Board, (1972) 25 Cal. App. 3d 541.)
- B. The Petitioner was subjected to disparate treatment in that employees similarly situated were not subject to the same discipline as was imposed on the on the Petitioner. (Thompson v. United States Postal Service, (1984) 596 F. Supp 628.)
- C. The LASD has failed to establish a nexus between the complained of conduct and the performance of Petitioner's duties as a Deputy Sheriff. (Morrison v. State Board of Education, (1969) 1 Cal. 3d 214.)
- D. During the course of the Investigation and subsequent allegations and charges being made against the Petitioner the LASD violated Government Code Section 3300 et seq.; as well as the State of California Penal Code.

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Civil Service Commission
Request for a Formal Hearing Letter
Petitioner Caren C. Mandoyan
September 26, 2016

- E. The Petitioner has been denied due process of law in that the allegations and charges being made against him are vague, ambiguous, lack all merit, and did not put him on reasonable notice as to what standards or criteria he allegedly failed to meet.
- F. At all times involved in the allegations being asserted against the Petitioner in the Letter of Intention and Letter of Discharge by the LASD that his conduct was consistent with the custom and practice of the worksite and was approved; ratified; and condoned by the LASD.
- G. At all times as referenced in the Letter of Intention and Letter of Discharge the LASD failed to follow established guidelines for discipline or to follow the precepts of progressive discipline.
- H. At all times as set forth herein the LASD has violated Article 26 of the Memorandum of Understanding that requires just cause for any discipline imposed upon a Deputy Sheriff.
- I. The Petitioner has been denied due process of law in that the LASD has waited well over one year from the date of the alleged incident to bring the charges against him.
- J. It is therefore requested that an evidentiary hearing be granted ASAP in order to provide the Petitioner with an opportunity to address and Appeal the discipline being imposed, as well as the meritless allegations that were manufactured against him.

Very truly yours,



MICHAEL A. GOLDFEDER

MAG:tjg



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



RECEIVED

LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

September 15, 2016

Deputy Caren C. Mandoyan, # [REDACTED]

Date of Department Hire 07/11/2000

Dear Deputy Mandoyan:

On August 15, 2016, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2383392. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on September 14, 2016.

An investigation under File Number IAB 2383392, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. [REDACTED]

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

Deputy Caren C. Mandoyan, # [REDACTED]

2

[REDACTED]

a.

b.

c.

d.

e.

f.

g.

[REDACTED]

Your conduct brought discredit to yourself and the Department.

2.

[REDACTED]

Deputy Caren C. Mandoyan, # [REDACTED]

3

[REDACTED]

a.

b.

c.

d.

e.

f.

g.

h.

[REDACTED]

3.

[REDACTED]

[REDACTED]

a.

b.

c.

4. That in violation of Manual of Policy and Procedures Sections 3-01/040.69; Honesty Policy, and/or, 3-01/040.70 Dishonesty/False Statements; and/or, 3-01/040.75 Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigation, on or about July 14, 2016, you failed to make truthful, complete and/or accurate statements in your administrative interview, as evidenced by, but not limited to:

- a. denying that you attempted to enter into Deputy [REDACTED] residence by way of her sliding glass door; and/or,
- b. denying that you attempted to enter into Deputy [REDACTED] residence through her bathroom window; and/or,
- c. stating you used a tool/object/"pulley" handle to enter [REDACTED] door and get Deputy [REDACTED] attention for the purposes of retrieving his backpack and key; and/or,
- d. stating you opened and/or entered Deputy [REDACTED] bathroom window for the purpose of "apologizing".

Deputy Caren C. Mandoyan, # [REDACTED]

5

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

[REDACTED]
CHIEF
CENTRAL PATROL DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.